

CRIMINOLOGY LIBRARY  
UNIVERSITY OF TORONTO

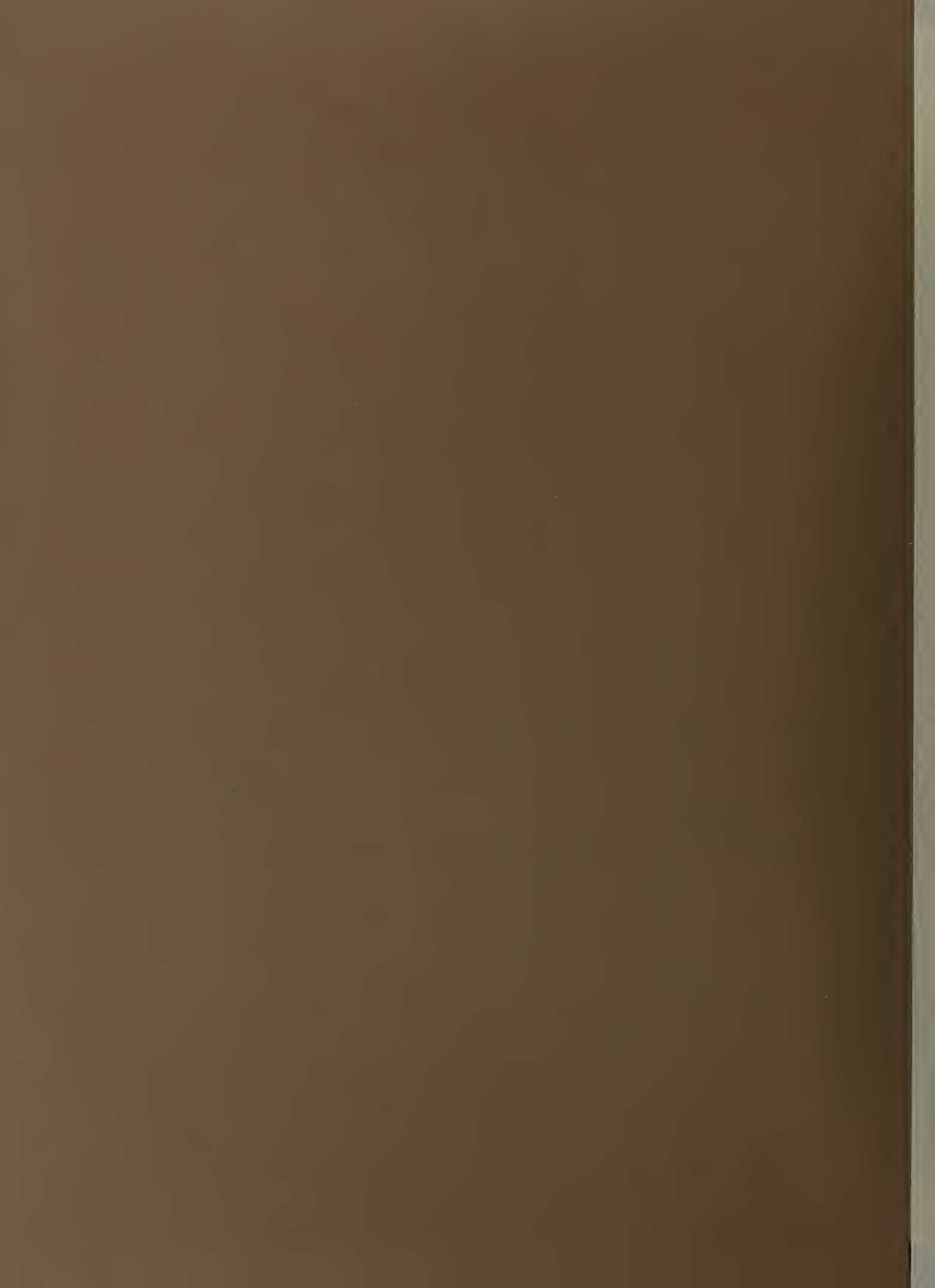


3 1761 03440087 9

Report on  
Police Raids on  
Gay Steambaths

HQ  
76  
.3  
C2R46  
1981  
c.1  
CRIM











CENTRE OF CRIMINOLOGY  
CENTRE OF CRIMINOLOGY  
APP. 5-1001  
~~LIBRARY~~  
LIBRARY  
LIBRARY

R E P O R T

O N

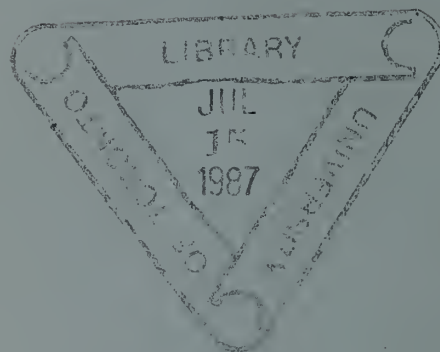
P O L I C E   R A I D S

O N

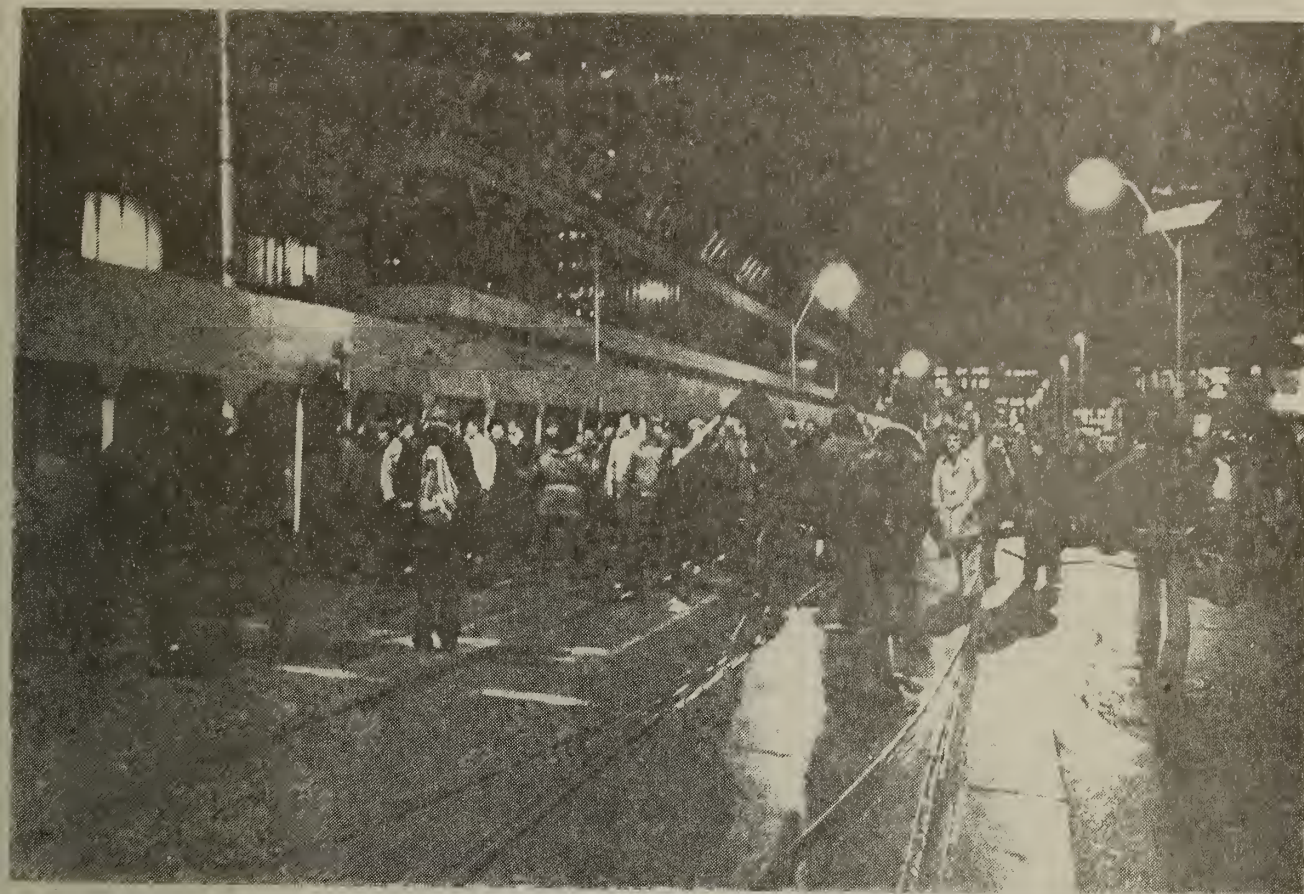
G A Y   S T E A M B A T H S

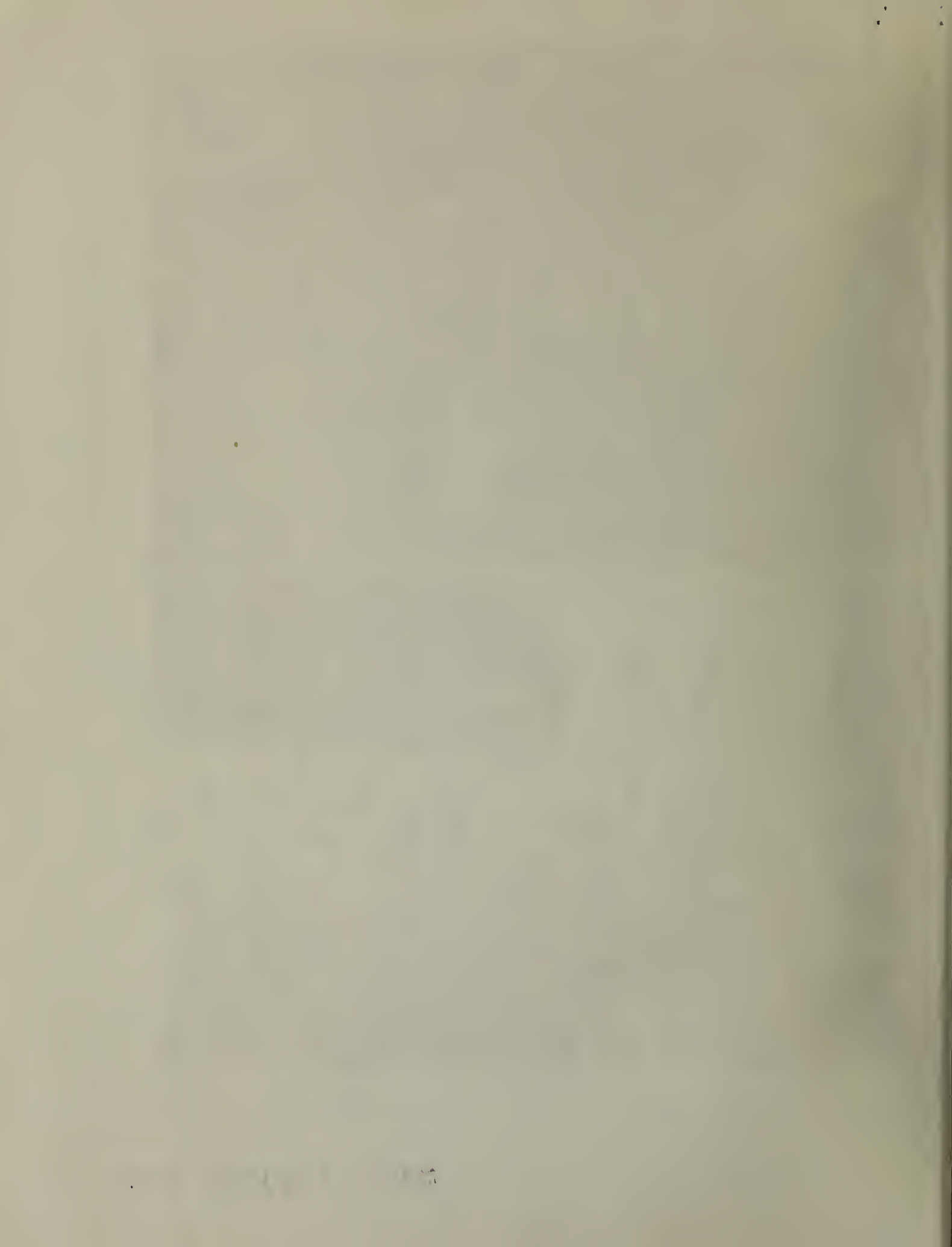
Submitted to Toronto City Council  
for its Meeting of February 26, 1981.

Prepared for Aldermen David White and Pat Sheppard





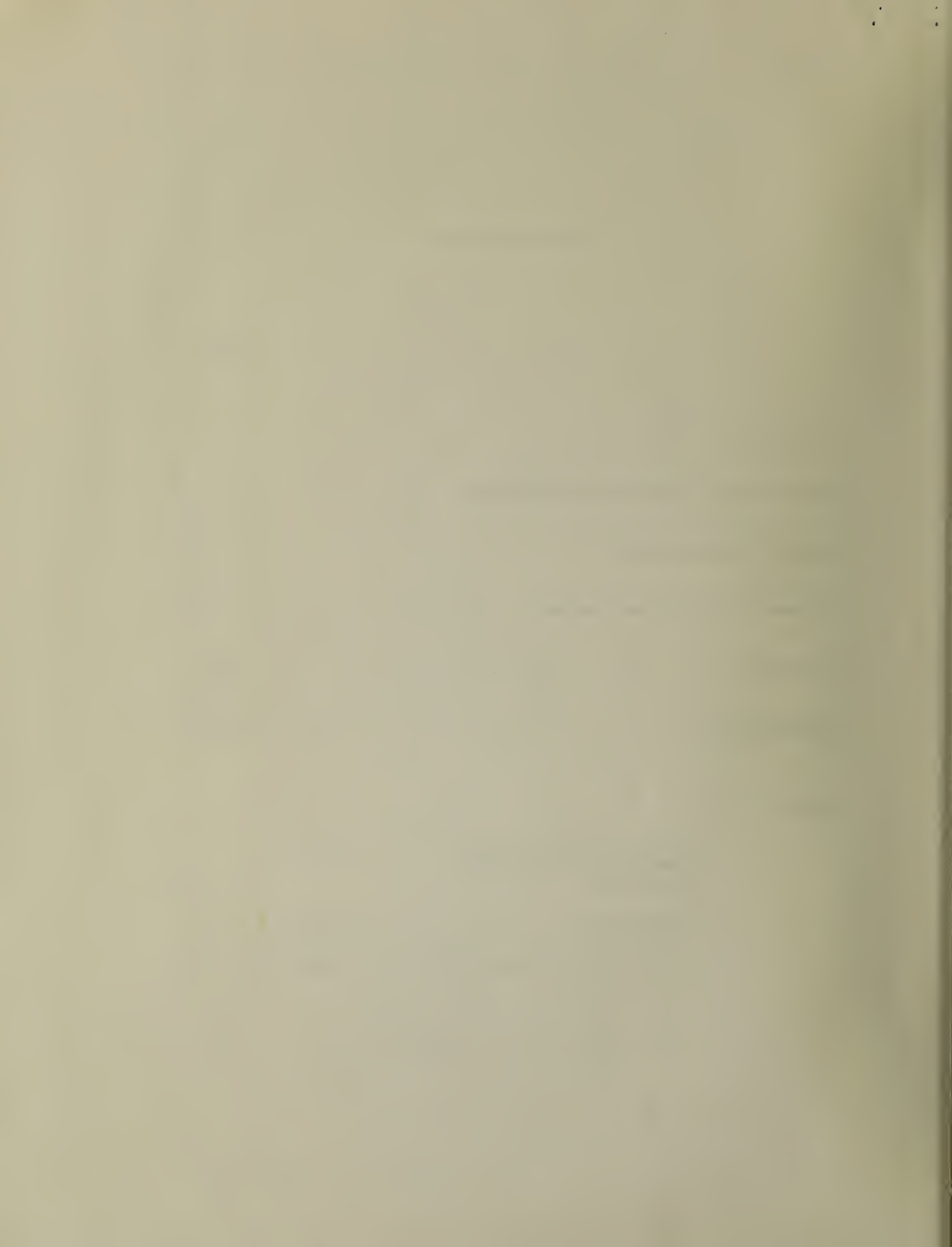






## TABLE OF CONTENTS

	Page
Introduction	3
Recent History of Police-Gay Relations	5
The Raids and Aftermath	9
Statements from Persons Charged	12
Conclusions	18
Recommendation	19
Appendix	
1979 Brief from the Gay Community to the Police Commission.	Appendix A
Damage Photos	Appendix B
Police Identification Photos	Appendix C



## Introduction

Three weeks ago, the most massive police raids in this City's history took place. The raids and resulting arrests were directed exclusively at one minority group...Toronto's gay community. Since then, charges and counter-charges have emerged, principally through the news media, punctuated by two of the largest anti-police demonstrations this City has ever seen. A religious leader has gone on a hunger strike now in its eleventh day. His request is the same as that of the Canadian Civil Liberties Association, religious and community leaders and many members of City Council...for an independent inquiry into recent police actions in the gay community.

The further we get away from the actual events of early February, the more difficult it becomes to establish what really happened. The problem is compounded because some of what happened did not come out at the time.

Almost 300 citizens have had to seek out legal counsel and other assistance. Many have kept quiet up until now about their experiences. Presumably, some of them will be intimidated into never speaking out.

The police department, police commission and Attorney-General, the parties under attack by the gay community for their conduct, appear to have pre-judged the situation and have avoided a proper investigation.

The problem becomes even more difficult because of the timing of the raids and the subsequent accusations, in the middle of a provincial election. It is, perhaps, too much to expect of the provincial government, which is responsible for the police function in Toronto, to be objective about investigating an agency for which it is responsible.

It is against this backdrop that we have attempted to pull together as much relevant information as we can from the available sources.

Several lawyers with clients charged in the raids, some of those charged and some news agencies have helped in providing information. We have also attempted to obtain further information from the police.

In all cases, we have attempted to protect the identities of those charged or against whom allegations are made.

We have made no attempt to pre-judge the information supplied to us. We do believe that the only proper vehicle to determine what really did happen in early February is a properly-conducted inquiry headed by a person of high repute who is independent of the various parties including the gay community, police department, Police Commission and Provincial Government.



At this point in time, Toronto City Council, which still has a reasonably good reputation in terms of minority communities, is perhaps the most appropriate body to call for an independent inquiry. The sites of the raids and the subsequent demonstrations are all within the City. The bulk of those arrested are residents of the City. Any resulting deterioration in police-community relations will impact greatly on the City of Toronto.

It may be difficult for some members of Council, including the Mayor, to revise their thinking and agree to request an independent inquiry. Unfortunately, some members of Council have publicly committed themselves to not wanting an inquiry prior to the release of this report and with little, if any, consultation with organizations or individuals in the gay community.

We would ask all members of Council to read this report with an open mind bearing in mind the difficulties we have had in obtaining information on such short notice.

It is worth noting that virtually all of those contacted who had been arrested are unwilling to subject themselves to more exposure to the Toronto police by going through what they see as a kangaroo court complaint bureau. Others who attended at the February 12th Police Commission were appalled that at the end of several presentations from charged found-ins, the Commission Chairman Phil Givens announced that the Commission had met prior to the meeting and had decided not to support the request for an inquiry.

Most of those charged fear retaliation from the police if they speak out publicly. In this respect it is interesting to note that it is alleged that the police compiled an extraordinary amount of information from most of the found-ins including place of employment, immediate superiors' names and phone numbers and in the case of married men, their wives' name and phone number. All of those charged are aware that in the past police have made "concerned citizen" calls to employers in cases where homosexuals have been charged.

Under these extraordinary circumstances, it is vital that the charges, counter-charges and the background behind these raids and subsequent events be examined by an impartial inquiry.

Respectfully submitted to Toronto City Council in the public interest,



Pat Sheppard  
Alderman - Ward 9



David White  
Alderman - Ward 1

## Recent History of Police-Gay Relations

In this short section, we make no attempt to offer a long term or comprehensive analysis of police-gay relations. We believe, however, that Council should have some background in this area.

- December 1977      The offices of the Body Politic, the local Toronto gay paper are raided. Three men are charged with publishing "immoral, indecent or scurrilous" material. They are tried and found not guilty in February 1979. The Crown has since appealed. Corporate and financial information and subscription lists are seized.
- December 1978      Barracks Bath is raided. Five men are charged as keepers; 23 charged as found-ins. Police rely on unusual interpretation of bawdy house law that bawdy houses are places where "indecent acts" take place. No allegations of prostitution. Case still has not come to court. After the raid, Ward Aldermen questioned the interpretation of the law and wondered why a test case with one operator charged was not tried first to test validity of law. Aldermen Heap and Sparrow ask police not to continue with these unusual charges till the first one is tested in court. Persons arrested in the raid allege police caused wanton damage and referred to them as "fuckin' faggots", "weirdos" and "queers".
- March 1979      George Hislop, Peter Maloney from the Right to Privacy Committee and Aldermen Sheppard and Sparrow among others, appear at the Metro Budget Sub-Committee to complain about the inadequate budget from the police. In particular, complaints were made about the Intelligence Bureau which is accused of conducting infiltration and clandestine activities against political activists, labour people and persons calling for police reform.
- March 1979      The Toronto Star and the Globe and Mail print strong editorials condemning racism and bigotry in the force. The Star says in part:  
"The Metro Police Commission's failure to come up promptly with a clear cut policy on police treatment of ethnic minorities is a distinct disservice to its rank and file officers...by failing to come up with a response, the Commission is giving minority communities the impression it is dragging its heels. It is giving its officers the impression that it is winking at the demands of those demanding fair, respectful treatment. Frankly, Commission Chairman, Phil Givens is a disappointment on this issue."
- The Globe says about the anti-gay, anti-minority articles in News and Views:  
"...the Ontario Police Commission should consider the grounds sufficient to launch an investigation of attitudes towards minorities held by members of the Metro force."

- March 1979      News and Views, the Police Association internal publication which goes to all 6,000 members publishes an article by a staff sergeant attacking the gay community in the most violent terms. The Police Commission refuses to discipline the officer saying there is no other indication of anti-gay bias on his part. It is subsequently learned the same officer won a civil suit in which he was alleged to have caused the loss of one eye of a gay person he was arresting in a gay bar.
- April 1979      Several leaders of gay community appear at Police Commission to submit a report called "Our Police Too", calling for reforms of the police regarding their relationship with the gay community. All of their proposals are rejected.
- April 1979      The Police Commission adopts a weakly drafted "Declaration of Concern and Intent" regarding minority communities which omits any reference to the gay community. In an article in the Toronto Star, several weeks later an article appeared which included these comments.  
 "In fact, the chief complaint of homosexuals and other minority groups in the community is that they don't get equal treatment from the police and this (the April 1979 meeting) was an easy opportunity for the Police Commission to reply publicly that they should. Why didn't they take it."  
 "We didn't adopt the wording they wanted because the provincial government is currently considering that question (inclusion of gays in the Human Rights Code)" says Phil Givens.  
 "I feel we're bound by the authority which has over-riding jurisdiction, otherwise we'd be embarrassing the people who put us where we are. We are a creature of the Ontario government and they would just as soon we didn't use those words. We can't serve every master".
- May 1979      The Toronto Police Commission admitted that a member of the force had committed an indiscretion and been morally wrong in informing school boards that certain of their employees were gay. However, they said the officer did not break any existing regulation and had not committed a disciplinable offence.
- May 1979      Employees of a gay bar complain about abusive behaviour by police, harrassing customers.
- June 1979      An active member of the Working Group on Minority Police Relations and the Right to Privacy Committee has a policeman answer an ad in a gay paper. After a discussion with the officer, he is charged with keeping his own home as a bawdy house...a first for any gay person in Canada.
- June 1979      Metro Council refuses to pass non-discriminatory policy regarding sexual orientation, despite existence of such policy at City of Toronto.



June 1979

Police use of entrapment techniques at Greenwin Square public washroom is brought to the attention of the Police Commission. Police apparently arranged for a hole to be drilled between toilet partitions, then set up a "blind" in an ostensibly "closed for repair" cubicle. The entrapment ends when the City Buildings Department orders the toilet cubicle brought up to City standards. Over the years, a number of other entrapment situations have been set up in other public washrooms.

October 1979

In his report on minority-police relations Cardinal Carter, Archbishop of Toronto says this about the gay community, "...neither should they be the object of vilification, harrassment or an excess of zeal in pursuing them with more fervour and perhaps relish than other citizens or groups of citizens. Being a homosexual does not constitute an offence either against the moral order or the civil law. Practicing homosexuality does, in the judgement of many, constitute an offence against the moral order. But if limited to a private dimension, this practice is hardly a concern of the police force which has or ought to have many more urgent preoccupations."

Cardinal Carter says later in his report, "I wish to make a strong plea to all police officers to take scrupulous care to avoid anything that could possibly be construed as a verbal insult to a citizen and such conduct, if proven, should be viewed seriously...The use of verbal taunts is far too prevalent. When a person is called a nigger, a queer, a faggot, a chink, a paki, normally with the accompanying adjectives, he has been attacked as surely as if he were struck. And yet it would seem to be almost impossible for him to complain. It would be his word against the officers although, of course, he should be encouraged to do so because an accumulation of such complaints against an individual officer would obviously soon have to be taken into account."

October 1979

Twenty seven persons arrested in raids on a gay steambath, 5 Metro apartments and a cottage near Percy, Ontario. A crowd of over one-hundred people gathers outside the steambath, the Hot Tub Club on Isabella Street and accuses the police of harrassment. Aldermen Sparrow and Heap arrive on the scene to cool things out. Subsequently, the bulk of charges laid are for being found-ins or operators. Aldermen Heap and Sparrow reiterate their displeasure at the police for using the same somewhat archaic and untested charges as used in the earlier Barracks raid. They argue the police should still wait till the Barracks case is tested in court before more people are charged. They also question the use of such large police resources and express concern about the damaging of relations with the gay community. Neither Alderman knows of any complaints from constituents regarding the operation of this club.

October 1979

A forty-four year old East York man in police custody at police headquarters dies by choking to death while being questioned. He had been arrested earlier for allegedly committing an indecent act in the washroom of the Parkside Tavern.

- January 1980      Police release statistics under the heading Homosexual Activities - 1979 Arrests - The total arrests for all of 1979 is 186 arrests, only 46 of which are attributed to the morality squad. The rest are attributed to regular policing operations except 56 which are described as entrapment. Thirty-four at Greenwin Square are described as "no entrapment" but subsequent revelations indicate that they were entrapments, raising questions about the validity of the number of so called "no entrapment" arrests. Only 46 arrests are attributed to the Morality Squad. None are attributed to Intelligence.
- February 1980      News and Views, the Police Association newsletter publishes yet another article querying the appointment of an open gay, a black woman and an activist labour leader to the City's Planning Board.
- February 1980      The President of the Police Association says the Association will "in all likelihood endorse candidates in the November municipal election".
- November 1980      During the municipal election campaign right wing and extremist groups circulated massive amounts of bigoted anti-gay material throughout the City but particularly in Ward 6. Some of the hate literature shows up on the counter at 52 Division of the Metropolitan Toronto Police.

## The Raids and Aftermath

According to a report submitted to Police Chief Ackroyd by Staff Inspector Banks of the Intelligence Bureau, a co-ordinated series of raids were conducted on February 5, 1981 against four gay steambaths.

In earlier press statements it has been stated that the undercover investigation leading to the raids had started six months earlier. We cannot help but note that that would be around the first week in September, the start of the municipal election campaign in Toronto. At the end of this investigation, at the time of the bath raids, a raid was also conducted on the business office of a person who had been an open gay candidate during the municipal election. Files were seized from his office.

The report from Staff Inspector Banks states that two hundred plainclothes personnel were used. It did not include a total for uniformed officers and processing officers at 52 Division or Police Headquarters. It would appear that the total number of officers might exceed three hundred, indicating a more massive use of police resources than originally thought.

Total charges were 289 found-ins, 20 keepers, 22 drugs, 2 obstructing police, 1 assualting police and 2 buggery.

Although police relied on a particular interpretation of the law involving bawdy houses, there are no, and we repeat, no allegations of prostitution activities. The police are apparently relying on an unusual interpretation of the bawdy house law in which a bawdy house is also described as a place where "indecent" acts take place.

Despite initial public mutterings about juveniles and organized crime, no charges have materialized after three weeks and we are forced to conclude that neither of these two elements enter into the matter.

Immediately, after the raids there were allegations of police misconduct and wanton damage but there appeared to us to be no serious attempt by persons in authority to examine these claims. In fact, it appeared to us that there was an enormous amount of energy being used by some parties to prevent a proper inquiry or at least to hope things would cool off and the issue would go away.

It did not go away of course. The night after the raid, 3,000 people marched on 52 Division and on Queen's Park. A week later an angry crowd confronted the Police Commission which stonewalled. A week later over 5,000 people marched from Queen's Park to 52 Division.

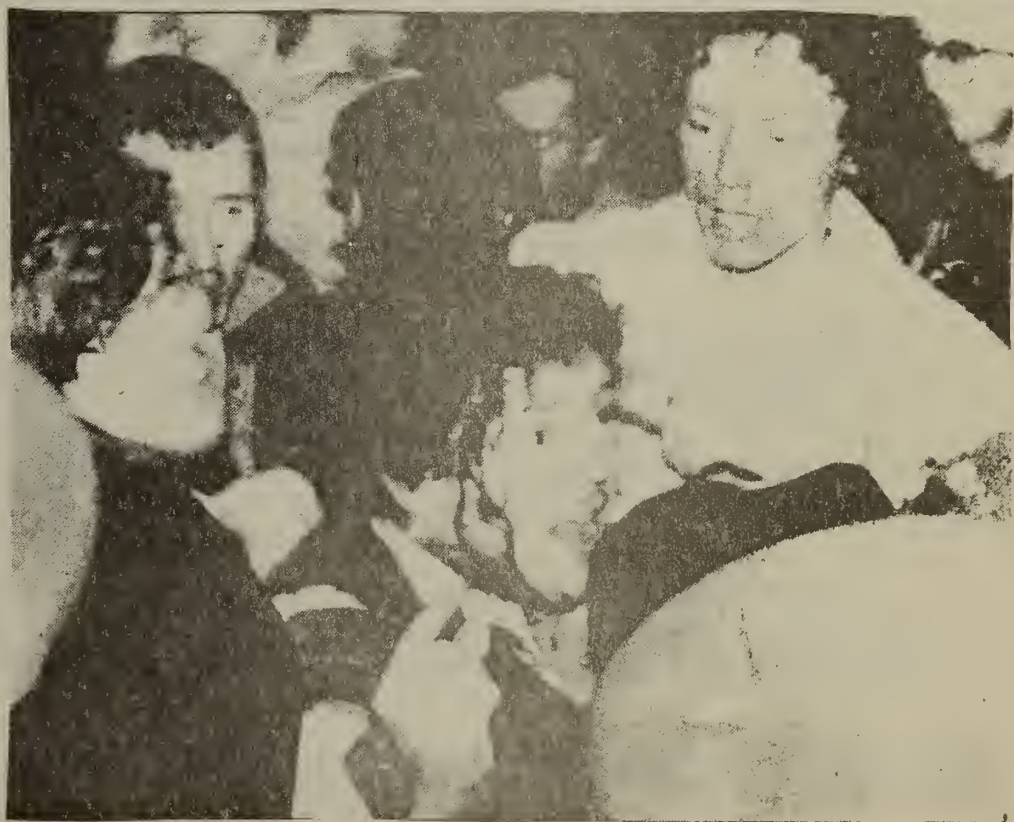
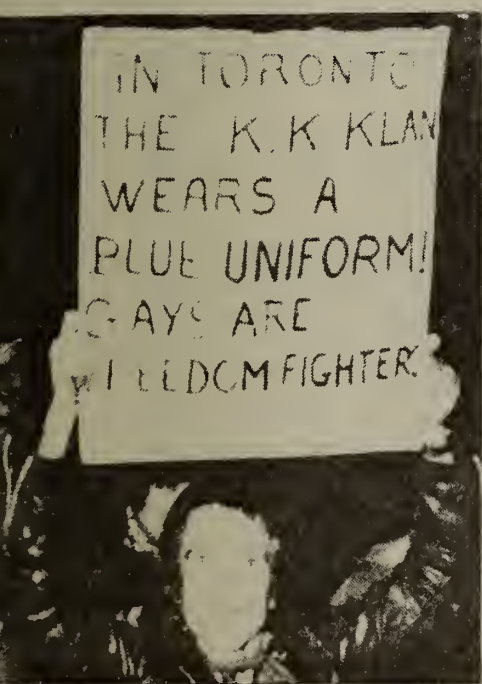
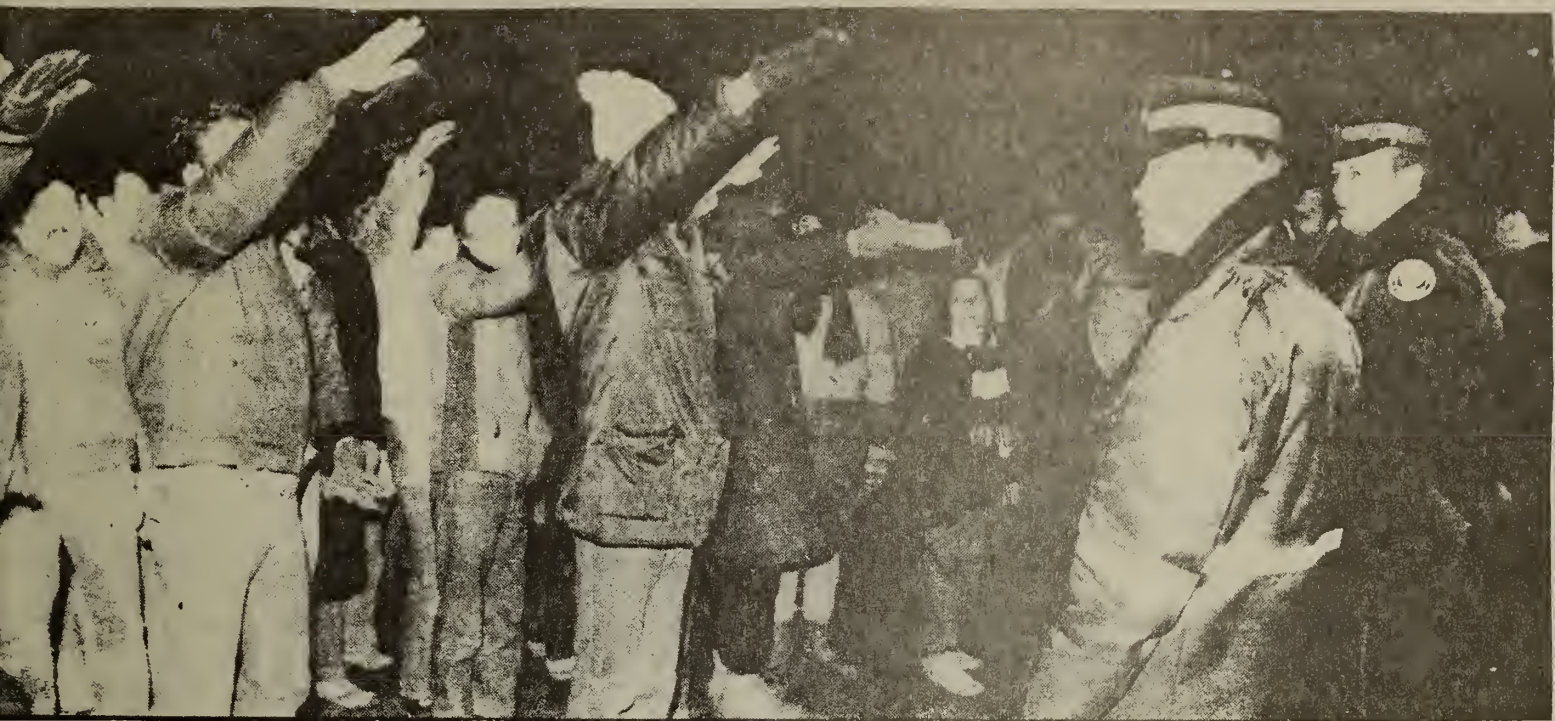
During the first of these demonstrations it was alleged that uniformed officers removed their number identification so that they could not be easily identified. Photos contained in the appendix of this report support this allegation.



During this period club owners were able to assess the damage to their premises which has been estimated at as high as \$50,000. Photos of some of the damage is contained in the appendix. We understand one civil suit against the Chief of Police, Police Commission and other officers has been launched and that another one is pending.

What has caused great anger and consternation is that owners' allege for years the Morality Bureau has paid regular visits to some of the clubs and given tacit approval to their continued operation. One has been in business for eighteen years without being raided. As one owner said, "If they had wanted us to change our operation, they should have talked to us first. They always have in the past."

Instead Toronto has witnessed an incredible and, for some, terrifying use of massive police resources which has created fear, hatred and unrest in the community.



THE TORONTO STAR, 1968

THE TORONTO STAR, 1968





### Statements from Persons Charged

What follows is a series of approximately seventy-five excerpts from statements by persons charged in the police raids of February 5, 1981 on four Toronto gay baths.

This information was obtained from over twenty of the persons charged. It was obtained in interviews, from statements given to lawyers and from the Documentation Committee of the Right to Privacy Committee.

In every case, we have taken pains to hide the identities of anyone who offered information. This information would not have come forward unless we guaranteed this protection.

Similarly, we have attempted to ensure that individual police officers were not identified in this report.

To doubly reinforce this aspect of the report, we have broken out the salient points from the same statements of individuals and ensured they are not clustered together.

We also have tried to make sure that comments cannot be attributed to any one of the four locations.

It is important, however, to stress that there appears to have been radically different treatment of property and persons at the different locations. At one club the raid, whether merited or not, appeared to be run in a reasonable manner. At another club there was extensive damage and some verbal abuse. At yet another club the raid was alleged to be a nightmare of destruction and verbal and physical abuse. Persons interviewed who were arrested at that location are still suffering from the trauma three weeks later.

This report concludes with a recommendation for an impartial and independent inquiry. It is clear to us that, without such an inquiry with proper safeguards for those who give testimony, the statements contained herein will never be given proper consideration.

Justice denied or even the appearance of justice denied can only lead to bitterness, alienation and anarchy.



Heard loud banging and kicking in of doors. Opened my door and saw two large scruffy looking men kicking in doors with their feet.

I asked one of the officers what is going to happen to us. One officer replies, "We're taking you guys to Cherry Beach. You know what happens at Cherry Beach".

Noticed three officers carrying collections of what they called "faggot toys".

Later I was allowed to return to my room. It was then I noticed my sterling fountain pen missing and requested a search. The only people who had access to the pen were the police as it had been locked at the time of the raid. I threatened to lay an information on "theft under" and eventually the pen was returned.

While lined up with fifty or sixty other men, I could still hear doors being smashed and glass broken.

Patrons were made to stand facing the wall. After forty-five minutes one patron turned green and asked if he could sit down. The police wouldn't allow him to. A few minutes later he fainted and fell to the floor.

One particular officer we nicknamed "The Animal". If it weren't for the presence of a few benevolent officers, things could have been much worse. "The Animal" said at one point, "That guy at the end (pointing to one of the arrested people) looks German. Doesn't he look German to you? You guys are lucky this isn't Germany."

There was one cop who was particularly vicious. He kept referring to Germany many times. This officer was nicknamed, "the Animal". He was particularly vicious towards people who wore wedding rings. He would say to them, "This is going to be the biggest fucking mistake of your life".

We were made to turn around in the nude and were photographed twice. We still hadn't been told what we were charged with.

I saw the police upending garbage cans and trash receptacles and scattering the garbage around.

While I was lined up downstairs, I heard one cop yell, "One guy upstairs is in bad shape." The other officer said, "You'd better try mouth to mouth."

One of them grabbed my hand and wrote my room number on it. He told me it was indelible ink and would take months to come off.

The door was being kicked in and I yelled, "Stop, I'll open it." They said, "It's too late now." and kept on kicking.

While we were standing in the locker room a man fainted and the cop just said, "Oh, he's faking." and "Give him a kick". The man got up but he fainted again.

One of the cops came into the room and marked numbers on our left arms.

The occupant across the hall was being pulled by the neck out of his room and shoved roughly down the hall.

During processing procedure the attending officers are laughing and making K-Y jokes.

Many of the patrons were in towels or nude. The front door was left open and some patrons turned pale. Some had to go to the washroom and were refused permission.

The officers were abusive calling the individuals present "faggot" and other unpleasant things.

Two officers came into the locker area with large cutters and proceeded to cut chains of locks on lockers. Crowbars were used on lockers that did not open easily. Three officers carrying sledgehammers were seen.

Along one wall were cubicles that did not go right up to the ceiling. We were made to face the wall and to grasp the upper ledge of the cubicle. I had difficulty in reaching the edge. One officers shouted to reach higher and hold on. I had to do this for over an hour.

The preliminary officers scrutinized the genitalia of each person. Everyone was made to turn around and bend over and spread their cheeks, for no apparent reason.

One officer went along the line asking "Are you married? Are you married?" If people said yes or he saw a wedding band he said stuff like "You'll wish you had stayed at home with your wife tonight, you fucking queer". and "This is the biggest mistake you ever made in your life" and "You really ruined your lives."

One policeman said, in the shower room while we were lined up against the wall, "I wish these pipes were hooked up to gas so I could annihilate you all." I remember particularly his use of the word, "annihilate".

One P.C. farted and belched continuously for effect in front of other amused P.C.'s.

I was fully clothed when they grabbed me initially and I remained clothed until I was taken in to be interviewed. At that time they forced me to strip and to bend over and submit to a rectal search.

When we were lined up against the wall they wrote our room number in ink on my hand and on my back. It took four days of constant washing to get the ink off my hand.

The cops referred to my bathing suit as "ladies panties". When I asked them why they wanted to photograph me nude they said, "We're strange people. We like pictures of kinky things."

If you looked anywhere but at the wall one of the cops would come over and push your head to the wall and tell you not to look at anything else. I had to stand that way with my arms up for one hour and twenty minutes.



I was able to, at the time, to take little looks up and watch the one mouthy cop ripping all of the wires in the sauna room out that was used for the speakers to the stereo. He also smashed about two or three lights in the ceiling.

While being processed for I.D., I saw two police officers with crowbars tearing open individual lockers, bending and crushing the doors.

On the way out, I noticed that bedframes had been torn out of the walls and scattered.

I was led back to my room. My belongings were scattered. Only my money (\$20) was missing from my pants pocket. Officer was informed that money was missing. Officer became indignant.

I witnessed one officer wielding his sledgehammer with abandon and then saying, and I quote, "Boy, I must be getting old, that took two whacks!" I also saw another officer pull an undamaged door shut and then smash it with his hammer.

Some police were making fun of ethnic names (Portuguese).

Two bright spot lights were set up and focussed on the men along the wall all of whom were grasping the top edge of a cubicle. The light was intense. We were made to stay in this position for over an hour. We were warned not to look to the sides. One officer commented, "I should charge them rent for the bulbs".

I was taking a shower when I was yanked out of the shower by a man who identified himself as an officer. I was led to the sauna room and made to face the wall. I was told to reach up and grasp the upper edge of a cubicle along with the others.

At one point we were all told to turn around with our hands up. Most of us were naked. We were then photographed as a group.

It got colder because the heat had gone out. After three quarters of an hour naked on the concrete floor and with my arms up on the outside brick wall my arms were aching and cold. One officer clamped his hand on my neck and said, "Get em higher, higher." I told him my arms were aching and he said, "Get those fuckin' hands higher". I told them I couldn't get them higher and he said, "I wouldn't believe anything you said you fucking queer".

I was led out of the holding area and taken in to see a policeman at the desk. I was still naked and asked if I could have my clothes. He said, "No, turn around, bend over and spread your cheeks. I said spread your cheeks. Don't tell me you haven't done that before." I finally felt I had to bend over.

When they interviewed me, I noted that they recorded the more basic information on official looking forms. But I noticed they had a separate piece of plain paper. They went through my wallet and noted things on the plain paper like my O.H.I.P. No., citizenship card, car registration, company dental plan number, my charge cards, and social insurance number. I asked why they were taking that down and I was told "Don't you question the police!" They then went on and demanded to know where I worked, my employer's name, the name of my superior and his capacity in the company as well as his phone number. They also wanted my wife's name, her employer,

and her telephone number. They wrote all this on the plain paper as well.

On the way from one room to the other one, officer says, "Isn't he the one with the grass?" The other officer says, "No, he's just a found in" ...the realization that they have the power to plant anything they want hits home.

They went through the H. Free Clinic and ransacked the files. In the police possession was sledge hammers. They did a lot of damage to the premises.

The fellow who was standing near me was asked a question by the police and was told to answer the cop by using the name "Sir". He would not do it at first and all I could see was what looked like the cop put his fingers down his throat and then the cop said, "You will breath in a few minutes and then you will call me 'Sir'". Eventually the fellow called him "Sir" and the cop went away.

When I was called in for questioning I was asked to remove all my clothing and hold up my testicles. I then had to bend over and spread my cheeks and they looked up for I don't know what.

Police seemed to be having a good time, even gloating. Heard the terms "faggot", "cock-sucker" and "fucking queer" used often.

One officer made a clenched fist and went through the motion of striking me in the face, but used his other hand as a foil to the on-coming fist. The sound and motion terrified me.

Thought the police were a "mixed crowd". Some were apologetic looking while others exhibited glee and overt hatred. Many used derogatory language.

Another officer called people "Bozo" and "Fairy" and "Queer".

Two unknowing men appeared at the protal to enter the baths. One officer was heard to say, "Why don't you go and fuck in the car and we'll get you later." The men ran away and the officers began to laugh.

I heard officers in the adjacent hallway saying "Oops" and then hearing a tearing sound in the walls. Electrical wires were being pulled out of the walls. Walls were being smashed. There was a great deal of laughter from some officers.

One cop told me to "Turn your queer eyes to the wall".

At some point in time we had our room numbers printed on our shoulder and right back hand by an officer using what appeared to be a magic marker.

After almost an hour up against the wall one guy started to choke. Somebody tried to turn around to look and were yelled at "Get those fucking hands up higher." Someone else said, "There's a guy in here with a breathing problem." and one of the cops asked the guy choking "What drugs are you on?" The guy said, "I'm having trouble breathing because my arms are aching."

The police officer conducted the interview while I was naked. He was particularly interested in my wife's name.

Made to strip off and remove shoes and socks, made to bend over and part cheeks of ass.

I was arrested on the street about a week after the demonstration of February 6 and 7. The officer said he'd seen me doing various things at the demonstration. When I was arrested I was subject to some indirect verbal abuse, comments on effeminacy, found-ins and allusions about beating me.

All the time we were standing there we could hear a lot of damage going on but with our faces against the wall you could not see what they were doing.

Could hear banging and yelling. Was about to get up when door was smashed in. Grabbed around the head and dragged into hall. No one identified themselves as police.

I heard commotion and opened my door. I saw men running about kicking in doors with their feet. Police seemed to be enjoying themselves. One officer kicking in a door said, "Boy, that came out pretty good."

Police rushed in and handcuffed me. I remained handcuffed for four hours.

The officer said, "What's wrong faggot - lost for words?"

Officers repeatedly demanded to know where I worked. I refused to answer. They finally let me go at 3 a.m.

Some officers took great pleasure in farting at each other and laughing about it.

I heard one cop say to another, "You big city cops do things differently."

Two plainclothes men escorted me outside to my car to get my I.D. The one who held me by the top back of my pants commented on the way that he'd never had a prisoner escape from him and that one who'd tried, he said, be shot.

Saw two police tearing open lockers with crowbars. No attempt is made by officers to ask individuals for keys.

Got the impression that many of the officers were unco-ordinated in their actions. They were running around using vulgar terms and issuing orders to stay put. None of the officers seemed to know what to do next.

I felt that the police at headquarters were of a better quality than those that arrested me.

The police continually sneered and made fun of "faggots". They seemed to feel there were no restrictions on them. They indicated things could be far worse if they chose to do so.

There was non-stop use of the words "fucking" and "queer" throughout.





## Conclusion

We have attempted to keep this report as succinct and clear as possible. It is important, however, to make it clear that the police action against the gay community because of its scale, its co-ordinated nature, and the allegations of abuse has sent shudders through other minority communities in Metro and it has raised serious anxieties with civil libertarians. We have recently come through a period where antipathy between the police and the black community and the police and the South Asian community have intensified. This most recent police action, whatever its merits, if any, has totally alienated the gay community and reinforced the anxiety of other minority communities.

We cannot help but think that if Roy McMurtry, the Attorney General, had acted some time ago on standing requests for reforms, we would not be in this present situation. It is clear that the Police Commission is once again unwilling or unable to deal with yet another minority community. In our view, the current police commissioners are a total write-off.

It would probably be useful for Council to once again demand that control of the local police be given from the province to the local community. It would probably be useful to pass a forceful resolution demanding that McMurtry institute a proper, independent civilian review board to deal with police misconduct.

We can do both of those things, but it is crucial that we deal specifically with the current crisis in a proper and logical manner. You have heard the police side of the story earlier. Today you have heard a significant part of the story from some citizens who were swept up in the police action.

We should be careful about pre-judging but we must, we absolutely must, ensure that there is an impartial inquiry into recent police activities.

For those of us with long memories it is worthwhile reflecting on the circumstances which led to the Morand inquiry. There were a series of allegations of police brutality directed towards twenty or thirty people, largely young white males from middle class backgrounds. Less than a dozen of the cases were found to have real merit but a series of tough proposals flowed from that inquiry directed at improving police procedures. In many ways the current circumstances make the background to the Morand inquiry pale by comparison.

### Recommendation

That the Attorney-General initiate an impartial public inquiry as soon as possible into allegations regarding police activities centered on the February 5, 1981 raids on several Toronto bath houses.

While not intending to limit the scope of such inquiry, it should at least deal with the following matters:

- a) Who initiated, promoted, approved and co-ordinated such raids.
- b) The timing of the commencement of the investigation and the timing of the carrying out of the raids.
- c) The appropriateness of the scale and cost of the use of police resources for such purposes.
- d) Allegations of
  - i) physical abuse
  - ii) verbal abuse
  - iii) wanton damage
- e) The propriety of the police demanding detailed personal information on spouses and employers from those charged.
- f) The adequacy of supervision of the police at each of the raid sites.
- g) The conduct of the Police Commission at its meeting of February 12, 1981, in particular, the Chairman's acknowledgement that the Commission had met prior to hearing public depositions and had already decided to do nothing further.
- h) The removal of number badges by some uniformed officers at the demonstration stemming from the bath raids, on February 6, 1981.

It would also be most appropriate and timely for the inquiry to comment on relations between the Police Commission, the Police Department and the gay community and to recommend how these relations might be improved. Particular, consideration should be given to revising police policies to make an explicit statement regarding no discrimination on the basis of sexual orientation, as well as the establishment of an ongoing and permanent liaison between the police and the gay community.



Appendix A

Brief Presented by the Gay Community

to

the Toronto Police Commission

on April 5, 1979

Note: The Enclosed brief was presented to the Police Commission almost two years ago by the gay community. It is clear from reading the brief that the present crisis is not new.

The Police Commission had has ample time to prevent the current state of affairs but once again has come up short in its dealing with minority communities.



OUR POLICE FORCE TOO!

A brief presented on behalf of  
the Toronto Gay Community

to

The Metropolitan Toronto Board of Commissioners of Police

April 5th, 1979

Members of the Deputation from the  
Gay Community

Professor John Alan Lee

Mr. Paul Trollope

Mr. Peter Maloney

Ms. Kathy Orlita

Mr. George Hislop

Rev. Brent Hawkes





THE POLICE OFFICER'S OATH

I, ....., DO SWEAR that I will well and truly serve Her Majesty the Queen in the office of constable for the Municipality of Metropolitan Toronto

WITHOUT FAVOUR OR AFFECTION, MALICE OR ILL WILL

and that, to the best of my power I will cause the peace to be kept and preserved, AND PREVENT ALL OFFENCES against the persons and properties of Her Majesty's subjects; and that, while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to the law. So help me God.

# C O N T E N T S

How have we come to appear before you today?	1
We would like to hear your views today	2
Our views are not all negative	2
Why should you listen to representatives of Toronto's Gay Community ?	3
Why appear before your Board ?	5
What are our concerns?	6
Gay Murders	6
Raids on Gay steambaths	6
Halloween	8
Discriminatory Law Enforcement	9
Information Gathering and Dissem: Is Someone Collecting Our Names	11
Incivility and Physical Abuse	13
Community Relations Officers	13
Is the Gay Community a victim of Police Budget politics?	14
The Notorious News and Views Articles	15
We challenge you	17
The Gay Community's Proposals	
1. Dismissal of S/SGT. Gary Donovan	18
2. Regulations on Sexual Orientation Information	23
3. Return the Barracks Membership File	24
4. Issue Statment of Concern and Intent	24
5. Police-Gay Community Permanent Liaison	25
6. Sexual Orientation in Recruitment, Training, and Promotion.	28
7. No discrimination on sexual orientation, training for present officers	28
8. Civilian Review Board to be sought	29
9. No agents provocateurs, promote crime prevention	30
10. Remove S/SGT. Moclair from contact with public	31
Conclusion	32



HOW HAVE WE COME TO APPEAR BEFORE YOU TODAY?

On December 9th, 1978, police officers from 52 Division raided The Barracks, a gay steambath, arresting 25 persons found on the premises. Two days later a frightened, confused and angry crowd of several hundred gay men and women met at the Church Street Community Centre. That initial meeting resulted in a public demonstration of several hundred persons on December 16th and to a further meeting which, on January 23rd of this year selected an executive committee and mandated that committee to carry out a number of programmes. One of the programmes which the Committee was mandated to carry out was to seek accountability, in general, from the Police Department and the Police Commission, and to seek, in particular, the dismissal of a Staff Sgt. in the Intelligence Bureau of the Department for his action in notifying school boards that certain of their teachers had been charged as being found-ins in the Barracks raid. That Committee is known as The Right To Privacy Committee.

In partial fulfillment of its mandate, the Right To Privacy Committee sought a hearing before the Metropolitan Toronto Board of Commissioners of Police. Your Board offered to meet with a deputation for the gay community at today's meeting.

The Right To Privacy then called a meeting of the gay community to discuss the range and details of issues to be raised before you and to select members of a group to present a deputation

to your Board. That community meeting was held March 10th, and a series of ten resolutions was adopted and six persons were chosen as delegates.

We are pleased to present the desires of our community and to argue for the proposals which our community feels would ameliorate the very low level at which police-gay community relations currently stand.

WE WOULD LIKE TO HEAR YOUR VIEWS TODAY.

Although you have had only a short time before this meeting to examine the specifics of our proposals, no doubt you have received from the Metro Clerk's office the submission on the police budget by The Right To Privacy Committee. This presentation outlined many of our community's concerns and has been available to you for nearly a month now. While you may not be prepared to respond to some of the specific proposals, we trust that you have already given some of the matters some consideration and will wish to respond today to the general thrust of our presentation and proposals, as well as to those of the specific items of which you have had early notice.

OUR VIEW IS NOT ALL NEGATIVE

We also consider it important to state clearly at the outset that we do not have an entirely negative view of the Police Department or its personnel. Our Police Department has many

dedicated and professional people working in it who try to do a necessary job competently. We do believe that there exists within the Force a large number of individuals and groups of individuals who hold attitudes and views which interfere with their judgement and the fulfillment of their professional duties. We are concerned that their actions lead to inequitable enforcement of the law. We also are concerned with conduct by some police officers, outside their professional responsibilities, but connected with those responsibilities, that brings the Force, and the administration of Justice into disrepute and thereby hinders the performance of the Force's functions in the community.

It is our sincere hope that the attitudes and views which give rise to this unprofessional behaviour and misconduct can be eliminated, so that all citizens may share a respect for all the many men and women members of the Force which is supposed to serve and protect us all.

#### WHY SHOULD YOU LISTEN TO REPRESENTATIVES OF TORONTO'S GAY COMMUNITY?

Apart from the simple answer that you should listen because it is what you get paid to do, you should listen because gay women and men represent a sizeable minority of voters and taxpayers in the city and the boroughs. The figures that have been quoted range from 5% to 15% of the population. While the visible and organized gay community is concentrated in the North Jarvis and



the Cabbagetown area (the Toronto Star recently estimated that one male out of every three in a section of the North Jarvis area is gay), we also live in the boroughs. Our concentration and dispersion in Metro is not unlike that of ethnic and racial minorities. If that is not sufficient political motivation for listening to us, then remember the people whose attitudes are influenced by the effect of various policies upon us. For every gay person in the city there are mothers, fathers, brothers, sisters, aunts and uncles as well as friends and colleagues who feel affected by what happens to gay people. The proverbial little old lady and the kindly old man from Scarboro are voters and taxpayers whose sons and daughters are members of the gay community.

Those gay women and men and their relatives, friends and colleagues include the personnel for whom you are responsible; members of the Police Department.

Also, public opinion surveys, conducted recently and over the past few years indicate that the public at large, both locally in Toronto and on an overall national sample are clearly opposed to discrimination against homosexual men and women.

Finally, the Police Force which you control is our Police Force, too. We expect it to serve and protect us as well. When we feel it is not doing so, we believe we should be heard by you

so that you can fulfill more effectively the responsibilities with which you are charged. Doing your job well means heeding our legitimate complaints.

#### WHY APPEAR BEFORE YOUR BOARD?

First, your board is responsible for policing in Toronto and the members of the police force are subject to you. You have authority to make by-laws, governing the conduct of police, which have the force of law.

Second, the aim of having special purpose bodies at the local level, such as the Metropolitan Toronto Board of Commissioners of Police, is to ensure a competent, professional approach to the supervision of police administration while maintaining sensitivity and responsiveness to local needs.

We believe the issues we wish to raise and the proposals we wish to make relate both to efficient and effective professionalism in policing and an awareness of local community needs.

Third, the complaint procedure is particularly ineffective in dealing with the grievances of individual members of the gay community, especially those who regard their sexuality as a private matter.

✓ Finally, many of the matters we wish to raise have a significant

administrative and policy content and therefore, are most appropriately dealt with at your Board.

### WHAT ARE OUR CONCERNS?

#### Gay Murders

Since February 18, 1975, 14 gay men have been brutally murdered in Toronto. Of these killings, 8 remain unsolved. Your Chairperson expressed concern with this in his most recent annual report. We want our police department to solve these murders, so as to prevent any more tragic deaths. But how can homicide officers get full cooperation from the gay community when some other group of police are criminalizing and harrassing gays by raiding gay steambaths.

#### Raids on Gay Steambaths

Early last year it was the International Steam Baths which were raided. Number 14 Division failed to prove its charges of keeping a common bawdy house.

This past December it was the Barracks which was raided, with 25 persons arrested.

Lifestyle legislation is something we recognize we must address at the legislative level. However, it has its local and police-administrative aspects as well. Even before the 1969 Criminal Code amendments, police officers were not devoting time and money

to searching out consenting adults in private. Those same administrative considerations about the appropriate degree of enforcement effort are present here too.

Without wishing to raise any issue before the courts, we must tell you that the most recent major report of the world-renowned Kinsey Institute has called Baths an "important feature of gay life". Toronto's gay community is well served by its Baths. They are an important outlet for persons who are homosexual but who are not, or, are unable to be, 'socially' gay. The baths provide safety and privacy for many Toronto gays. Are our long-cherished institutions to be destroyed, one by one? To what purpose? To whose benefit?

The baths in this city have felt in past that they had a good working relationship with the Police Department. They had often been assured by members of the Department that it was their view of the law that the privacy afforded probably fell within the law. For years the Baths were generally under the impression that if the Department felt there was a problem there could be an open exchange of views and that there would be an opportunity to alter positions. Instead they are provided with all the drama of a raid, in the middle of the night, by 20 to 30 officers. This is not conduct conducive to a climate of confidence in the Police.



Halloween

For some strange reason, a large segment of the heterosexual community has the impression that there is a parade of 'drag queens' down Yonge Street to the St. Charles Tavern on Halloween.

Despite the fact that such a parade never occurs and that the front doors of the St. Charles are locked on that evening, an enormous crowd of thousands gathers, filling the sidewalks on both sides of Yonge Street for blocks in the vicinity of the Tavern.

The great sport of the evening has traditionally been to throw eggs at the 'queens'. The surrounding streets and lane-ways are generally unsafe on that night for gay people out alone.

Increasing numbers of police personnel have been devoted to crowd control over the last few years. However, the police make no attempt to prevent crowd formation; nor do they assist us in discouraging people from attending this non-event. In fact, the straight egg-throwers have become the event, with the facade of the St. Charles and a few adventuresome or identifiable gays taking the brunt of the assault. The general 'queer bashing' mentality which this promotes seems to have the effect of encouraging groups of young men in pursuit

of some stupid initiation ritual into manhood to come downtown to engage in the sport. If any other minority faced this kind of abuse year after year there would be Royal Commissions and police headquarter shake-ups. When gay people are the victims, police self-congratulations revolve around permitting this yearly expression of hatred and bigotry toward gay people while trying to minimize actual physical violence. Some progress has been made but it is far from satisfactory. It is clearly a tradition we would like to kill off, swiftly and mercilessly, preferably with the help of our Police.

#### Discriminatory Law Enforcement

This takes a number of distinct and different forms.

It includes unacceptably high levels of attention from Police to our community and its members and less than diligent efforts to act on complaints by members of our community.

One manifestation of discriminatory law enforcement involves the use of discretion by an officer in favour of members of the majority group (to which the officer usually belongs) and against members of the minority group. The classic case cited is the lovers' lane where heterosexual couples are asked to move along and same sex couples are arrested for gross indecency. The officer empathizes with the one act while his arrest in the second case is really due to moral repugnance.

Similarly, we think it is neither productive nor dignified for

officers to conceal themselves behind washroom vent gratings to entrap people. Nor do we believe officers should signify their availability late at night in parks and so entice other men into committing crimes. Entrapment and agent-provocateur arrests do not sit well with the gay community and we believe they are viewed with extreme distaste in the community at large. If there is not otherwise likely to be a complainant, why is the Police Department spending so much time and money on these unproductive areas. Preventative law enforcement would be a much better strategy.

Charging people with offences when there is no factual basis to support the charges is another form of discriminatory law enforcement and is an abuse of police authority. Persons handing out gay political leaflets have had warnings issued to them on Yonge Street, despite the fact that Toronto's prohibition against leafletting on Yonge Street does not extend to political materials. After initially warning under that provision, officers then threatened to lay charges of causing a disturbance and then actually laid charges of loitering. These improper and baseless charges were dismissed by the court.

Another form of discriminatory law enforcement which we frequently encounter could be called 'life-style harrassment enforcement'. This often involves questioning people and asking for identification under purported exercise of



non-existent authority without any disclosure of reasonable and probable grounds. Often it seems that the sole basis for selection is that someone is out late at night in downtown Toronto -- a position in which gay people frequently find themselves. The rights of many persons seem to have been violated in this manner, often without any awareness on the victim's part. In that sense, your Police become 'shake-down artists'. They demand information and personal disclosure and they engage in personal searches which are clearly improper. In general, they get away with it because their victims are ill-educated about their rights and fearful of challenging the apparent authority of a police officer.

Information Gathering and Dissemination: Is Someone Collecting  
Our Names?

We refer to the case of S/Sgt. Gary Donovan of the Intelligence Bureau. We note the seizure, during the Barracks raid, of the 800 name membership card file. We still do not know if that list has been copied. The over-seizure of materials in the Body Politic case adds to our concern about the potential for abuse if the Intelligence Bureau is using this material. The practice of asking citizens submitting to identification procedures whether their sex is: "male, female, homosexual or lesbian" gives rise to some concern. The Donovan incident which we refer to later seems to justify our concern. In other cities, the Intelligence Bureau is organized as a strike



force against organized crime. According to an Ontario Police Commission Review of Regionalized Policing in Ontario published in May, 1978, "Intelligence, as opposed to normal criminal information is all information, professionally evaluated, collated and analyzed, which reveals the existence of organized crime, identifies the members of a group or groups, establishes their criminal activities, their internal administration, movements, active associates, sources of income and general vulnerability to concerted action".

Are the people of Toronto having their tax dollars spent on collecting and disseminating lists of gay people? Is our Police Department in the political blackmail business and using public funds to finance their little black books? Is Fiona Nelson, the Chairperson of the Toronto Board of Education right when she says Metropolitan Toronto Police have an unwritten polity of harassment of homosexuals?

As to information dissemination: tragedies have occurred as a result of the trial by press release tactics of other police departments. These methods have been criticized in Ottawa by a provincial inquiry. In the Barracks case, allegations of prostitution appeared in the press. These were later withdrawn. But, damaging misconceptions continue to circulate.

### Incivility and Physical Abuse?

Barring physical or extreme verbal abuse from the citizen being summoned or arrested, professionalism would seem to demand that officers be courteous and non-abusive and should exhibit no malice. When verbal abuse and maliciousness is gratuitously offered by officers, as in the Barracks case, it is difficult for the community to imagine that the decision to raid, itself, was taken professionally and without malice.

The community rightly infers that it is being victimized by the police. This is particularly so when the law which the officers are purporting to enforce is, itself, in some doubt and when the alleged conduct on which the charges are based is consensual and between adults.

The complaints of gratuitous incivility which we have heard from the community are numerous. Judging from S/Sgt Moclair's recent controversial article, police officers are certainly familiar with most of the usual sick terms bigoted persons use to vent their ignorance and hatred on lesbians and gay men. Judging from the actions of S/Sgt. Donovan, the bigoted members of the force are certainly motivated to harm gay people and do so.

### Community Relations Officers

The gay community has only recently been receiving any attention from the C.R.O.'s. As a result, little in the way of effective

two-way communication has been achieved.

IS THE GAY COMMUNITY A VICTIM OF POLICE BUDGET POLITICS?

In reviewing the 1977 year, the Chairperson of your Board in his first annual report, dated January 19, 1978, refers to Body Rub parlours operating on Yonge Street and the establishment of a special task force which was responsible for a large number of arrests. The report also refers to 52 Division as the busiest division in all of Metropolitan Toronto.

A year later, in his second report the Chairperson says;

"...I am pleased to report that not one of these establishments (that was operating illegally) is still in operation." He further reports, referring to the Yonge Street 'strip' and to the Church-Isabella-Sherbourne-Gloucester 'Track', "as a result of a strong police presence, many prostitutes left the area."

Also that: "Plainclothes female officers were detailed to this area and this has resulted in numerous males being charged with soliciting."

The conclusion might well be drawn from these reports that a great deal of police manpower, and womanpower, was brought into play to achieve these objectives. Now that the largest part of the task has been done, are there remaining elements of this manpower which are trying to perpetuate themselves? Is someone trying to 'prove' a 'need' for continued staffing and funding? Is someone or some group within the force turning their attention to the gay community as an easy target to



maintain arrest records and high visibility prosecutions? It would not be the first time we have been the object of such attentions nor would it be the first time a component of a bureaucracy has engaged in this type of make-work project. It is not a particularly unique form of featherbedding.

In addition to being a repugnant form of moral entrepreneurship, it is not even effective.

At the time that the Barracks was raided, there were two other gay cases before the courts which have since come to a conclusion. In both the International Steam Baths case and the Body Politic case, convictions were not obtained. A considerable number of the Department's dollars had been devoted to both cases, including payment for extensive court time. The charges triggered the expenditure of a great deal of time and money by the Crown and the whole court apparatus.

#### THE NOTORIOUS NEWS AND VIEWS ARTICLES

The March 1979, issue of the Metropolitan Toronto Police Association publication News and Views and in particular the article by Number 14 Division S/Sgt. Moclair entitled The Homosexual Fad has done little to alleviate the gay community's concern about the recent intensification of the Department's attacks on the gay community. We understand that you will be receiving representations on these matters later today. We feel compelled to make several comments. It is clear to us that some police offices, perhaps a sizeable



minority, perhaps even a majority of them, do harbour an unreasoning fear and hatred of gay people. They suffer from what has come to be called 'homophobia'. The expressed intensity of those personal prejudices in S/Sgt. Moclair's case leave us no alternative but to conclude that no reasonable person could realistically expect officers with such views to divorce the performance of police duties from such strong personal prejudices.

As a result the Toronto gay community now feels that it would be naive to attribute any other than a malicious motivation to police charges against gay institutions, especially charges the police consistently end up failing to prove in the courts.

As things stand today we must operate under the assumption that parts of our police force are being directed as if they had become branch plant operations of Anita Bryant, Ken Campbell and Claire Hoy.

Chief Adamson's response to the Moclair article gives us no comfort in this matter. Indeed it seems to lament a failed public relations program and the 'unsettling and disturbing effect on many people in this community'.

Chief Adamson's response is offensive for what it does not say. There is not a single direct reference to the gay community. Is there so substantial a group of bigots in the force that

the Chief feels he will lose face by addressing his remarks directly to the community offended? Nothing could more clearly illustrate the solid basis for our fear, suspicion and distrust.

WE CHALLENGE YOU

In this poisoned atmosphere we come to you as the responsible body to challenge you to help us to set things right by supporting and implementing the proposals which we present today as mandated by our community.



# PROPOSAL NUMBER 1

## THE DISMISSAL OF S/SGT. GARY DONOVAN

---

This is the harshest and most negative of our proposals.

It was vigorously debated at our public meetings. Despite a marked distaste for the concept of taking away anyone's job and career, in the end, the community voted to seek dismissal. The following facts were gleaned from various media reports of the incident.

Fully 9 days after the Barracks raid a 37 year old, 16 year veteran of the force, a Staff Sgt. in the Intelligence Bureau notified 3 school boards, 2 of them in Metro, that 6 of their teachers, whom he named, had been charged, as a result of the raid, with the summary offence of being 'found-ins'. All the persons in the Barracks at the time of the raid were 21 years of age and over and the police do not now allege prostitution. Occupation is not a part of the information included on the charges.

We believe it is therefore fair to say that: given the officer's length of service and experience, given the fact that he was not directly involved in the raid, given that he is part of the Intelligence Bureau (which collects, processes and disseminates raw data), and given the elapsed length of time between the raid and the calls; that the action



was not impulsive, that it involved a collection of information by the officer and the development of that information with a deliberate and intentional programme of trying to ruin the careers of six professional teachers. We are unable to imagine that such a detailed collection of information and such an organized plan of execution for its use could have gone unobserved by his superiors and fellow officers. Indeed, it must have required their full cooperation. If his actions were not officially directed, then we believe they must have at least been passively sanctioned. The fact that he was only asked to report and then given only a reprimand by a senior officer leads us to the inference that the Department sees his fault as merely that of getting caught.

Indeed, in a Bureau of the Force whose integrity and function are regarded with such importance that the Bureau reports directly to the Chief without the usual intermediary of an Executive officer, the willingness to tolerate, or only mildly discipline, such behaviour is remarkable.

The Police Force had been advised by the Metropolitan Legal Department to permit such information to be passed to third parties such as employers, and it had not been, to the Metropolitan Solicitor's knowledge, the practice of the Police to advise employers of criminal charges against their employees.

When such conduct so clearly puts the Chief and the Metropolitan Corporation in jeopardy of substantial defamation damages awards, it amazes us that a mere 'chewing out' is considered sufficient deterrent to prevent such conduct, overt or covert, in the future. We are astounded that a few hard words are considered enough to deal with a wilful attempt to destroy the careers of several professional teachers by a misuse of police information. The consequent destruction of reputation of the Force, the deterioration of confidence in its officers and the doubt cast on the viability of cooperation with police officers (within, at least, our community) call for something more.

In our opinion, the Chief has the duty, the power, and the basis in law to lay a charge of committing a major offence under the Police Act and Regulations. Charges of Discreditable Conduct, Breach of Confidence and Unlawful or Unnecessary Exercise of Authority seem to us to arise out of S/Sgt. Donovan's conduct. Also, Section 4.5.1. of your Board's By-law 22 forbids the imparting of information relating to official business to anyone without permission of the Chief or the board, under authorization by the regulations, or under due process of law. None of those exceptions apply in this instance. The regulations have been contravened and a charge of Insubordination is also supportable on the facts.

Perhaps a thorough investigation of the matter would also disclose that one or more of S/Sgt. Donovan's brother officers or superiors may also be disciplinable in that they failed to report Donovan's conduct and that they gave him unauthorized access to the files of another Unit.

We call upon this Board to see that the Chief does his duty in this matter.

On February 19th, the Chairperson of your Board wrote to members of the Gay Academic Union, which had expressed concern about the conduct of S/Sgt. Donovan. In his letter, the Chairperson stated: "Our police officers are constantly taught and trained to restrict themselves to the exercise of their duties in a fair, impartial, and proper manner, and that they make no attempts to impose their own moral code or beliefs on others by intering in the work and personal lives of citizens in any manner whatsoever. Where officers depart or stray from such teachings and training, they are disciplined accordingly, having regard for the circumstances in each case."

In recent days we have frequently heard a similar refrain about the authors of the News and Views articles: that they only expressed their views, they didn't actually do anything which reflected an intrusion of their personal views into the performance of their jobs.

The Chairperson's reply will only ring true if, in fact, disciplinary sanctions are applied when an officer such as Gary Donovan commits such a gross breach of those principles. We also call to your attention Toronto City Council's resolution: "That the Board of Commissioners of Police should discipline and discharge officers who, after due process, have been found to have brought discredit to the Force by behaving in a bigoted or racist manner." (underlining ours).

Police Officers, by the nature of their work, acknowledge the importance of deterrence in governing conduct. It is our opinion that a strong deterrent to future conduct of this sort is required, in the form of the dismissal of the officer involved.

An officer in the York Region force who gave out CPIC information on individuals was recently ordered to resign or be fired. Why hasn't that been the case here?

Donovan's length of service cannot be argued to prevent appropriate sanctions. Quite the opposite holds true. As the Hon. Mr. Justice Morand stated in his report of the Royal Commission into Metropolitan Toronto Police Practices, in 1976: "When misconduct is obviously a deliberate act of an experienced officer, punishment should be that much greater."

Appropos of the type of conduct we are discussing, we believe



a further quote from the Royal Commission Report can end our argument on this point:

"We cannot tolerate a policeman who perceives his function as extending beyond the apprehension of a criminal to acting as Judge and jury."

In this case the dismissal of the officer should be supplemented by explicit regulation on this matter. To govern the conduct of officers long after the memory of Donovan's dismissal is forgotten, and as a measure of the good faith of the Board in meeting our objections to the conduct complained of, the next proposal requests the passage of regulations by way of by-law of your Board.

#### PROPOSAL NUMBER 2

THE BOARD OF COMMISSIONERS OF POLICE SHOULD PASS REGULATIONS UNDER THE POLICE ACT TO THE EFFECT THAT THE SEXUAL ORIENTATION OF A PERSON CHARGED WITH AN OFFENCE OR CHARGES FROM WHICH THE SEXUAL ORIENTATION OF A PERSON MAY BE INFERRED, IS NOT INFORMATION WHICH SHOULD BE MADE AVAILABLE BY THE POLICE TO EMPLOYERS , FAMILY MEMBERS, OR THE MEDIA, UNLESS REQUESTED BY THE PERSON TO WHOM THE INFORMATION RELATES. AND, THAT BREACH OF THESE REGULATIONS SHALL RESULT IN DISMISSAL.

---

As a further evidence of the good faith of the board and to allay the fears in our community that certain information is being

abused we request that the Board respond today to the third proposal.

#### PROPOSAL NUMBER 3

THE RETURN OF THE MEMBERSHIP LIST AND ALL COPIES OF THE BARRACKS MEMBERSHIP FILE.

---

For greater certainty and as a further reassurance to the community it would be helpful to have a statement of principle from the Board. We believe this would have the beneficial effect, within the Force, of increasing the support for officers who do not hold homophobic views and would help those with more reasonable attitudes to prevail.

#### PROPOSAL NUMBER 4

THE BOARD OF COMMISSIONERS OF POLICE SHOULD ISSUE A PUBLIC STATEMENT OF THEIR CONCERN FOR HOMOPHOBIC ATTITUDES WITHIN THE POLICE FORCE, AND A STATEMENT OF THEIR INTENT TO PREVENT DISCRIMINATORY ENFORCEMENT OF THE LAW.

---

In the very necessity for presentation of this brief there is a lesson to be learned: the need for a continuing, established structure for two-way communication which actually works.

A number of different structures and mechanisms were thoroughly

discussed at our public meeting. The proposal which was adopted tries to ensure that there is a permanent liaison person who has credibility within the Force and is acceptable to the gay community. This would overcome the 'policemen come, policemen go' problem. It would also mean that brother officers could trust the officer to keep discussions confidential.

The mechanism proposed also allows the gay community to be assured of ongoing, vigorous representation, and allows the initiative for consultation to come from either the Force or the gay community. The only available and appropriate funding source is the Police budget. We believe that the cost savings for the Department which could be engendered by close cooperation with the gay community will be a multiple of the added community relations costs.

#### PROPOSAL NUMBER 5

THE POLICE DEPARTMENT SHOULD APPOINT AN OFFICER OF THE RANK OF SGT. OR ABOVE, WHO IS ACCEPTABLE TO THE GAY COMMUNITY, AS A LIAISON BETWEEN THE POLICE DEPARTMENT AND THE LESBIAN/GAY COMMUNITY. THIS OFFICER SHOULD WORK JOINTLY WITH TWO CO-CONSULTANTS, A LESBIAN AND A GAY MAN, CHOSEN BY AND REPRESENTING THE LESBIAN AND GAY COMMUNITY. DISCUSSIONS BETWEEN THE POLICE DEPARTMENT AND THE CO-CONSULTANTS SHALL BE HELD AT LEAST MONTHLY

AND AT ANY TIME REQUESTED BY THE CO-CONSULTANTS. THE TIME AND EXPENSE OF THE LESBIAN AND GAY CO-CONSULTANTS SHOULD BE PAID FOR BY THE POLICE DEPARTMENT.

---

In June, 1978 Metro Council voted a resolution supporting the Ontario Human Rights Commission Reprt "Life Together". One of the major recommendations of that report was that "sexual orientation" be included as a ground on which discrimination is prohibited in the Ontario Human Rights Code. The Quebec Charter of Human Rights already contains a prohibition similar to the one suggested for Ontario. The City of Toronto, and her sister cities Ottawa and Windsor have passed bylaws protecting homosexuals in their employ.

The Canadian Broadcasting Corporation adopted a corporate policy in October, 1977 to provide equal opportunity in employment regardless of sexual orientation. Many union contracts - most notably CUPE - now contain equivalent non-discriminatory clauses. In sum, your Board would not be breaking new ground in employment practices if it prohibited discrimination on the basis of sexual orientation.

Like Toronto, San Francisco also has a large gay population. Its Chief of Police recently encouraged all gay officers to come "out of their closets" with a pledge of support, and then



proceeded to institute an advertising programme aimed at recruiting 200 new officers from within the gay community. In addition, the San Francisco Department recruited and trained a gay psychologist as a new officer. He was assigned part-time to the recruiting programme and part-time to teaching at the Police Academy on the subject of the gay community and police interaction with it.

Your Board has recently retained Hickling—Johnston and Dr. Reva Gerstein on an expanded programme of assessing the use of psychological testing in the hiring of applicants for employment as cadets and constables, the system used for selecting members to be promoted, and the procedure to be used in your career development programme.

We would wish to see the scope of the programme expanded to include questions which would test for "homophobia" and which would lead to a procedure designed to screen out homophobic candidates.

We hope you will also invite our participation in educational programmes, for both new and present members of the Force, designed to foster knowledge of lesbians and gay men.

We hope you will encourage and support your lesbian and gay officers to feel that they should continue in their careers in

the full expectation of being treated without discrimination within the Department as to promotion and career development.

PROPOSAL NUMBER 6

POLICE RECRUITMENT AND PROMOTION POLICIES SHOULD PROVIDE THAT SEXUAL ORIENTATION IS A FACTOR WHICH SHOULD NOT BE CONSIDERED IN PERSONNEL MATTERS, AND THAT THE USE OF PSYCHOLOGICAL TESTING SHOULD BE IMPLEMENTED AS A POLICY TO SCREEN OUT HOMOPHOBIC CANDIDATES.

THE BOARD OF COMMISSIONERS OF POLICE SHOULD STRONGLY RECOMMEND TO THE ONTARIO POLICE COLLEGE AND THE TORONTO POLICE COLLEGE THAT THEY INCLUDE LECTURES ON HOMOSEXUALITY, AND DIALOGUE WITH INFORMED REPRESENTATIVES OF THE LESBIAN/GAY COMMUNITY, IN BASIC TRAINING COURSES FOR NEW RECRUITS.

---

PROPOSAL NUMBER 7

REGARDING THE PRESENT MEMBERS OF THE POLICE FORCE, SIMILAR COURSES AND DIALOGUE SHOULD BE IMPLEMENTED AND THE BOARD OF COMMISSIONERS OF POLICE SHOULD ISSUE A PUBLIC STATEMENT THAT THERE IS TO BE A POLICY OF NON-DISCRIMINATION WITHIN THE DEPARTMENT WITH RESPECT TO LESBIAN AND GAY POLICE OFFICERS.

---

We believe that the implementation of these proposals will

contribute strength to the force and foster an awareness of the lesbian/gay community which will tend to reduce or eliminate the ignorance on which bigotry is based.

At our community meeting there were expressions of concern that there be developed a procedure whereby police officers could be held accountable for their actions in response to citizen complaints through a thorough and just process, which would involve a Civilian Review procedure. The criticism of the existing procedures contained in the Maloney and Morand Reports was noted. Some concern was expressed that a civilian review procedure would merely be "window dressing". In the short time available for consideration, the community meeting was unable to develop a consensus on the exact nature of a Civilian Review except that it be a Board which would be composed of citizen and minority group representatives. We are of the opinion that our community has a fundamental lack of confidence in the current complaints procedure, and that a comprehensive new Civilian Review Board with real powers is required if the Force's reputation with the community is to be maintained.

#### PROPOSAL NUMBER 8

THE BOARD OF COMMISSIONERS OF POLICE SHOULD SEEK IMMEDIATE LEGISLATION TO CREATE THE LONG-AWAITED CIVILIAN REVIEW BOARD TO BE COMPOSED OF CITIZEN AND MINORITY GROUP REPRESENTATIVES TO REVIEW COMPLAINTS AGAINST THE POLICE.

---

Earlier in this brief, we have expressed our position on the question of entrapment and agent provocateur enforcement by the members of the Force. Our community meeting sought to have your Board establish some policy to end these practices.

The May, 1978 Ontario Police Commission Review of Regionalized Policing in Ontario stated;

"Authorities on law enforcement urge an increased emphasis on the preventative and deterrent approach to crime through community-oriented programs."

Indeed, the oath of office of police officers stresses the prevention of offences.

In the nebulous area of morality, especially as regards lesbians and gay men, prevention and diversion are far preferable alternatives to the double stigma , for those who regard their sexuality as a private matter, of arrest and exposure. We note the Ouimet Committee Report's third criteria for criminalization: "No law should give rise to social or personal damage greater than it was designed to prevent."

PROPOSAL NUMBER 9

THE BOARD OF COMMISSIONERS OF POLICE SHOULD ESTABLISH A POLICY THAT POLICE OFFICERS NOT BE INSTRUCTED OR PERMITTED



TO ACT, IN THE COURSE OF DUTY, IN WAYS WHICH WOULD, IN THE CASE OF A CITIZEN, BE CRIMINAL OFFENCES. WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, THE BOARD OF COMMISSIONERS OF POLICE SHOULD SPECIFICALLY FORBID POLICE ACTION WHICH APPEARS TO CONSTITUTE SEXUAL SOLICITATION, AND ACTION WHICH PORTRAYS A WILLINGNESS TO BE AN ACCOMPLICE IN A SEXUAL ACT OF A CRIMINAL NATURE.

THE BOARD OF COMMISSIONERS OF POLICE SHOULD, INSTEAD, PROMOTE POLICE APPROACHES TO LAW ENFORCEMENT INTENDED TO PREVENT THE COMMISSION OF CRIMINAL OFFENCES. WHERE ALTERNATIVES EXIST, THE LAYING OF CRIMINAL CHARGES SHOULD BE USED AS A LAST RESORT. DOUBLE-CHARGING AND OVER-CHARGING SHOULD BE ELIMINATED.

---

Finally, our community meeting tried to deal with the question of the article by S/SGT. Mocclair in the March, 1979 issue of News and Views . The meeting determined that any potential harm could be prevented if S/SGT. Mocclair were kept from positions where he could inflict his bigoted views on others.

#### PROPOSAL NUMBER 10

S/SGT. MOCLAIR SHOULD BE REMOVED FROM ANY POLICE WORK WHICH BRINGS HIM INTO CONTACT WITH THE PUBLIC.

---

## CONCLUSION

---

Even in the current gloomy state of affairs between the Department and the Gay Community , the possibility of improvement is present. We believe that there are decent, rational members of the Force who will help set their house in order , if only you will today provide them with the leadership of which you as individuals and as a Board are capable.

If you will add to that exercise of leadership , the will and decisiveness to make the few hard but necessary decisions, we would be well on our way to turning around a very nasty situation. Your understanding of the Community which we represent and your commitment to help eliminate the ignorance, fear and unfamiliarity which are the roots of prejudice and bigotry, would constitute a significant contribution to the present and future fabric of this municipality.

Your actions today and your continued support in future may one day soon mean that we will be able to call this  
OUR POLICE FORCE TOO!



Appendix B

DAMAGE PHOTOS

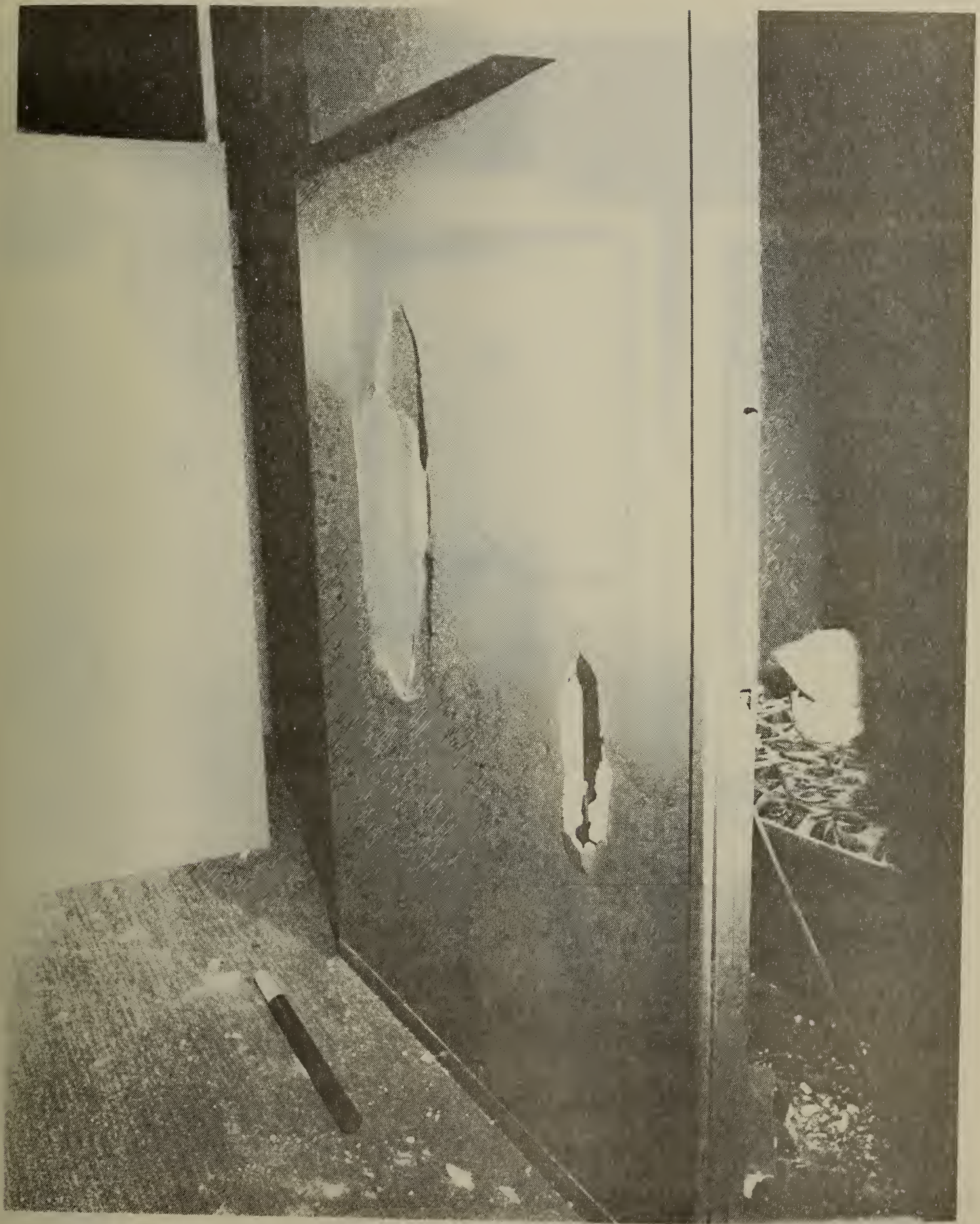
Notes: Large 8½ x 11 photos are from the Richmond St.  
Club.

Contact sheet photos are from the Club Toronto.

Not included are colour photos of the Roman Sauna  
which will be circulated to members of Council.

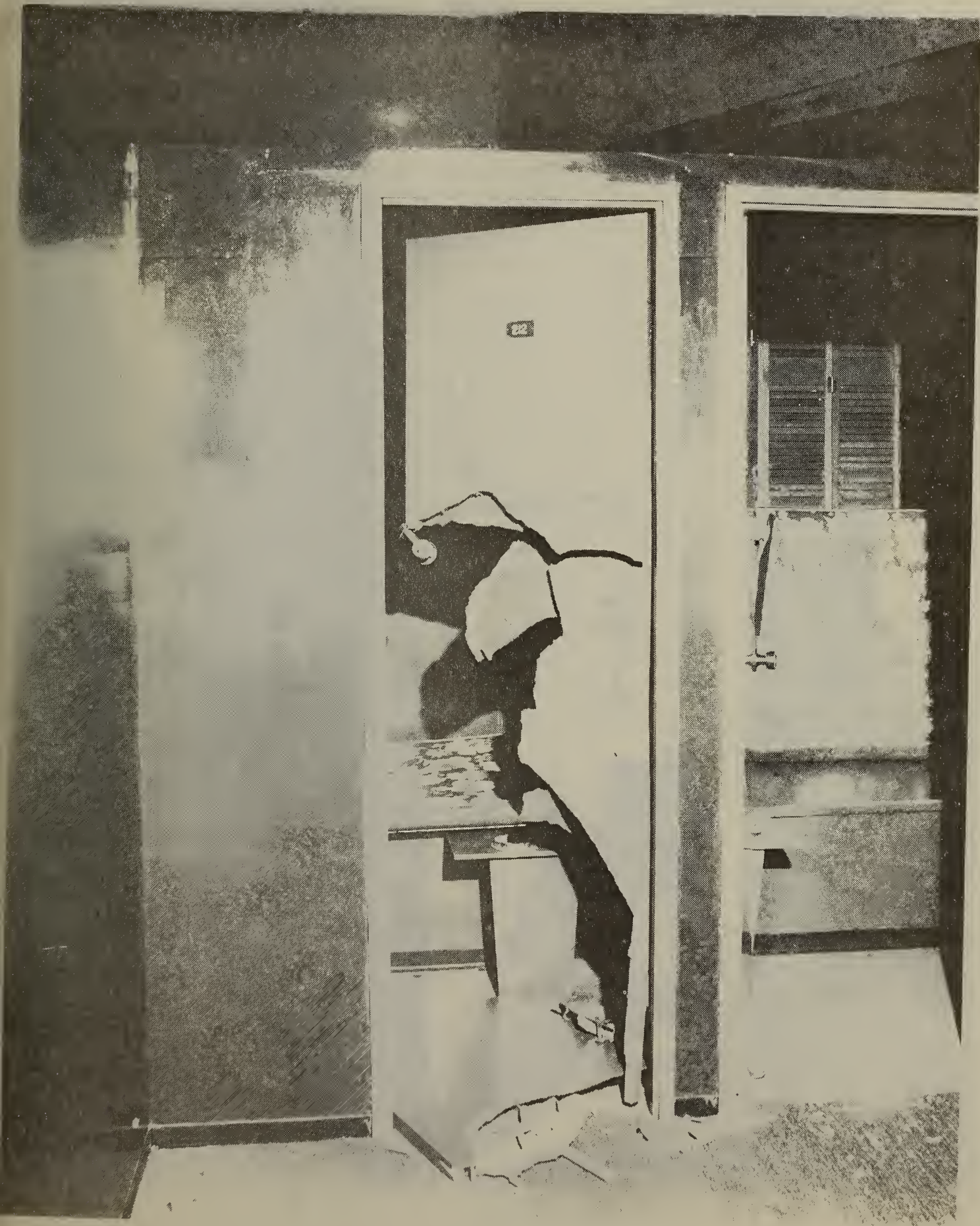






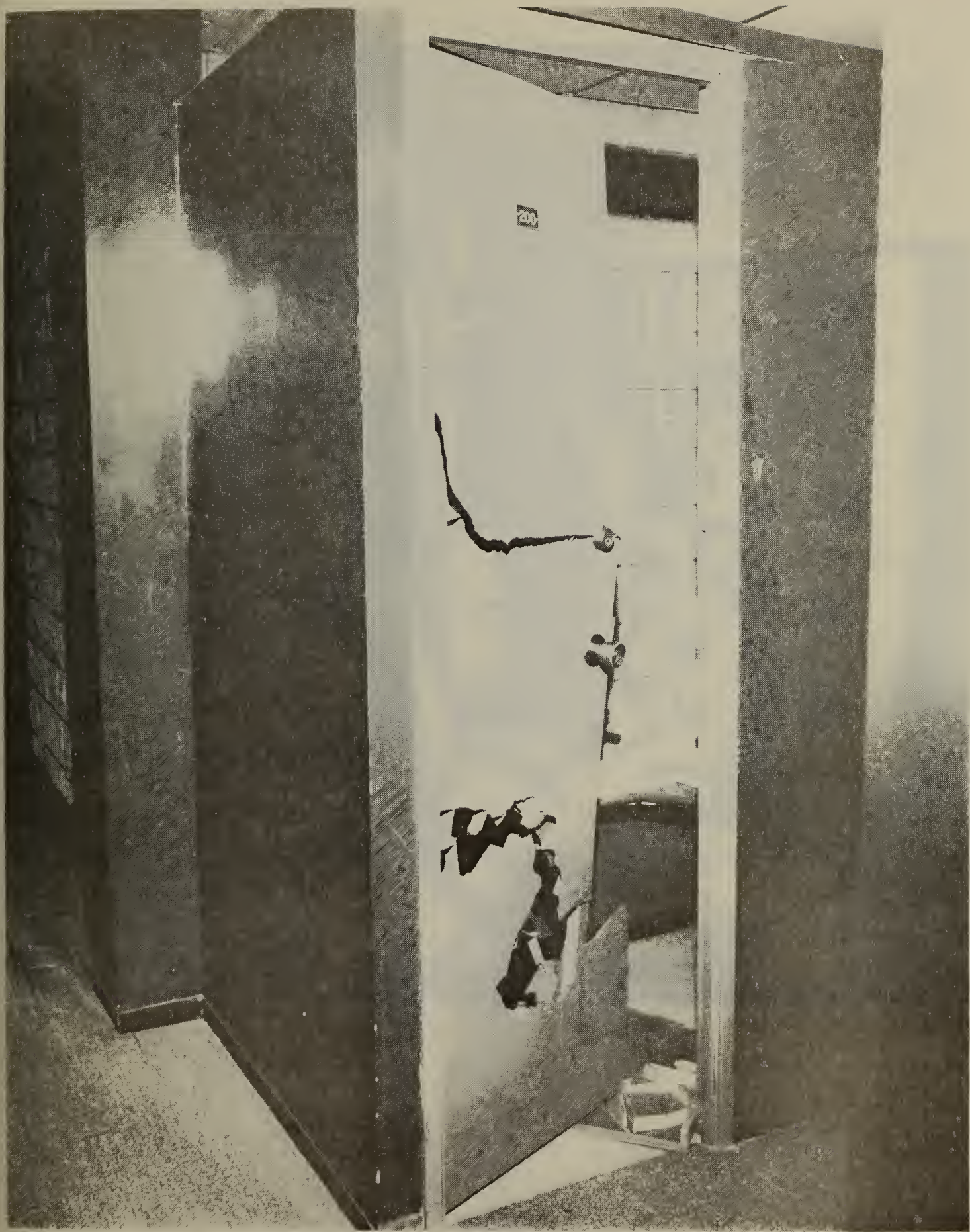














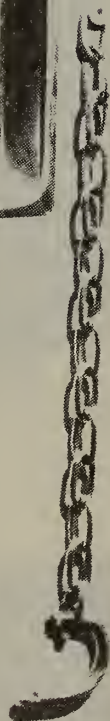
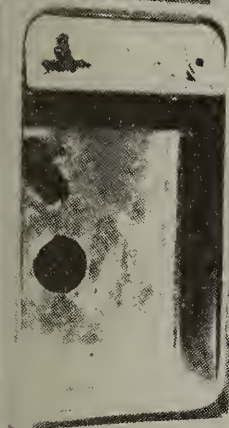




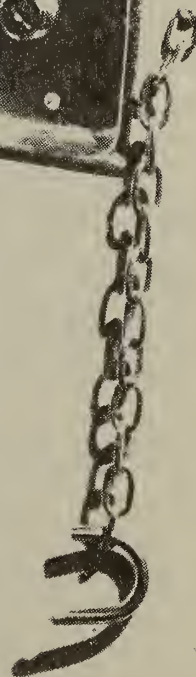




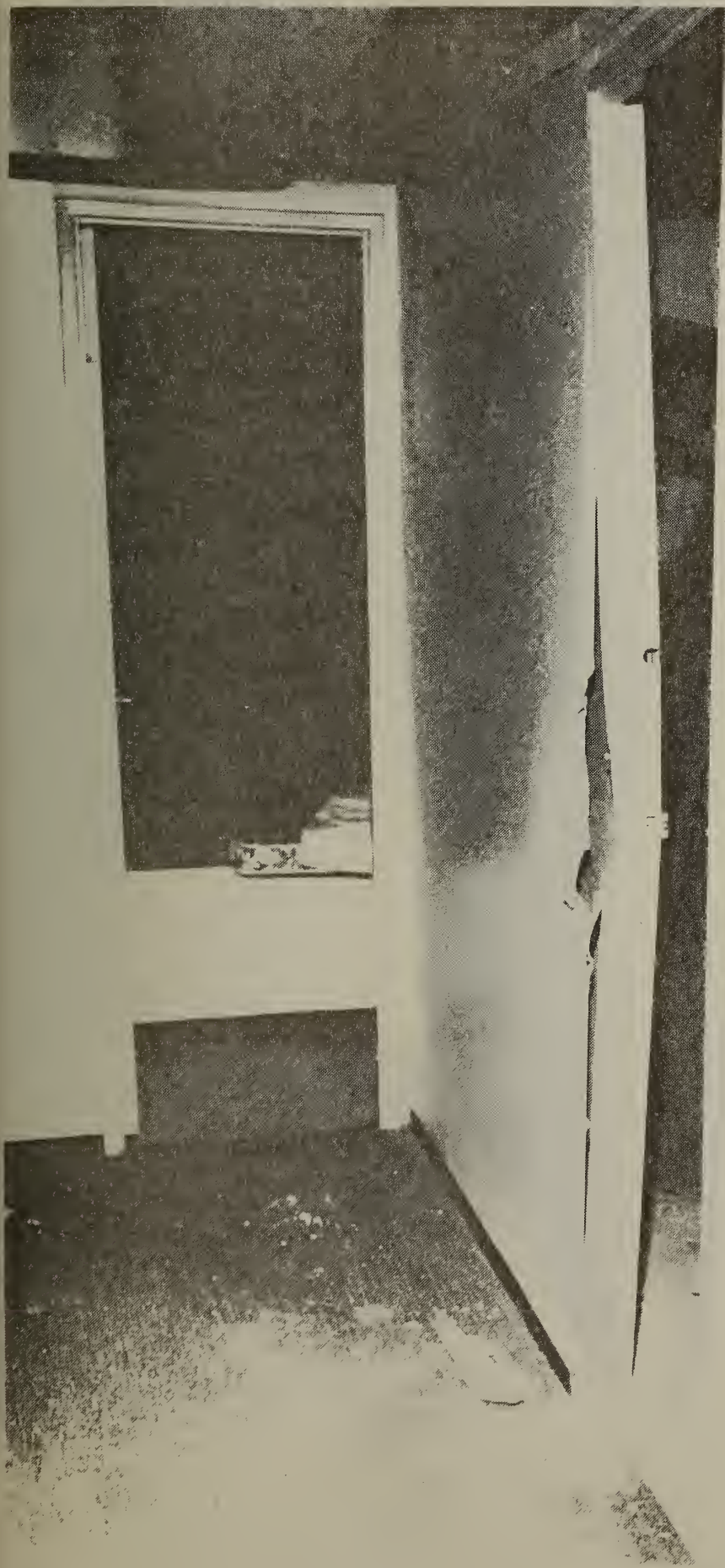
81



79

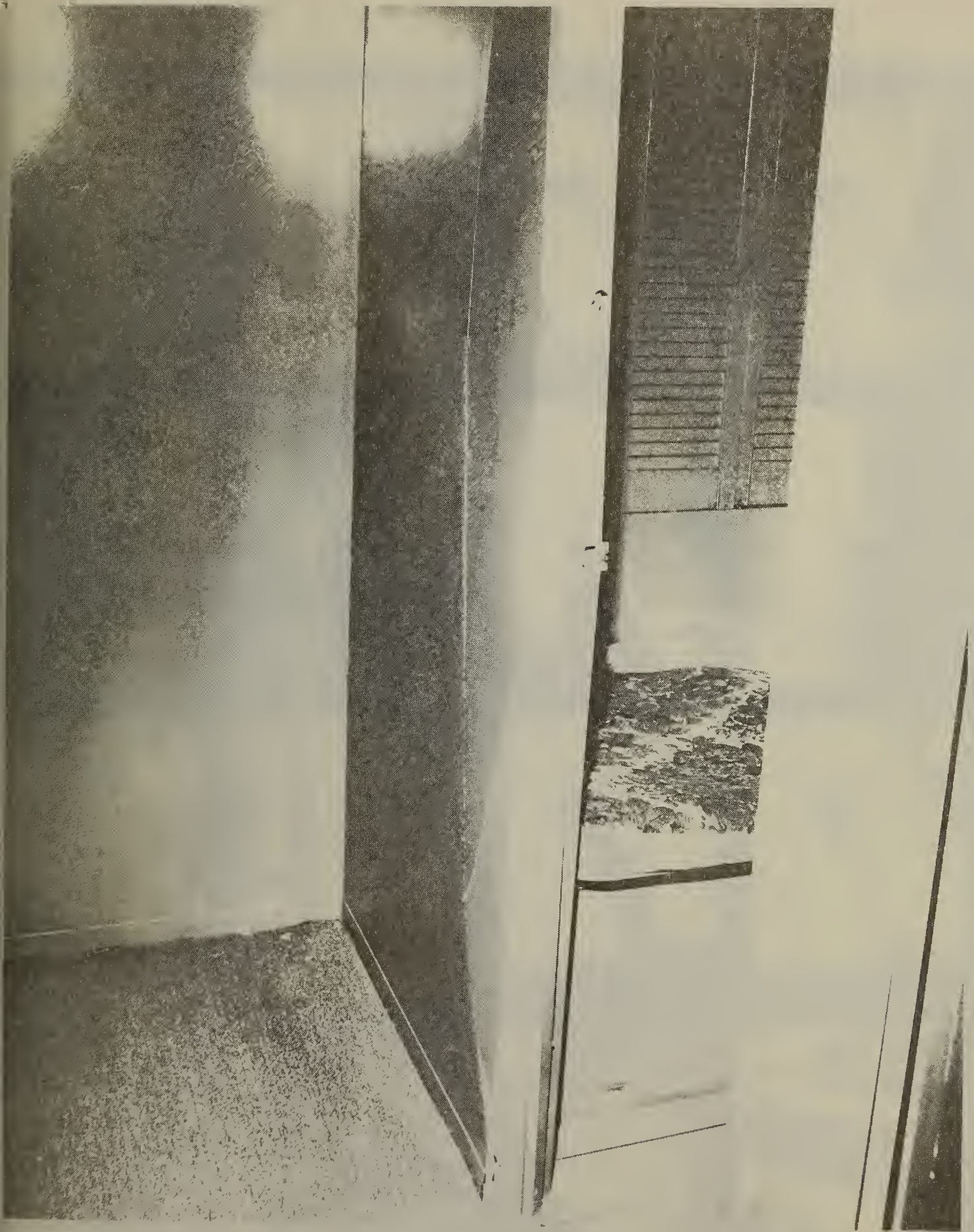






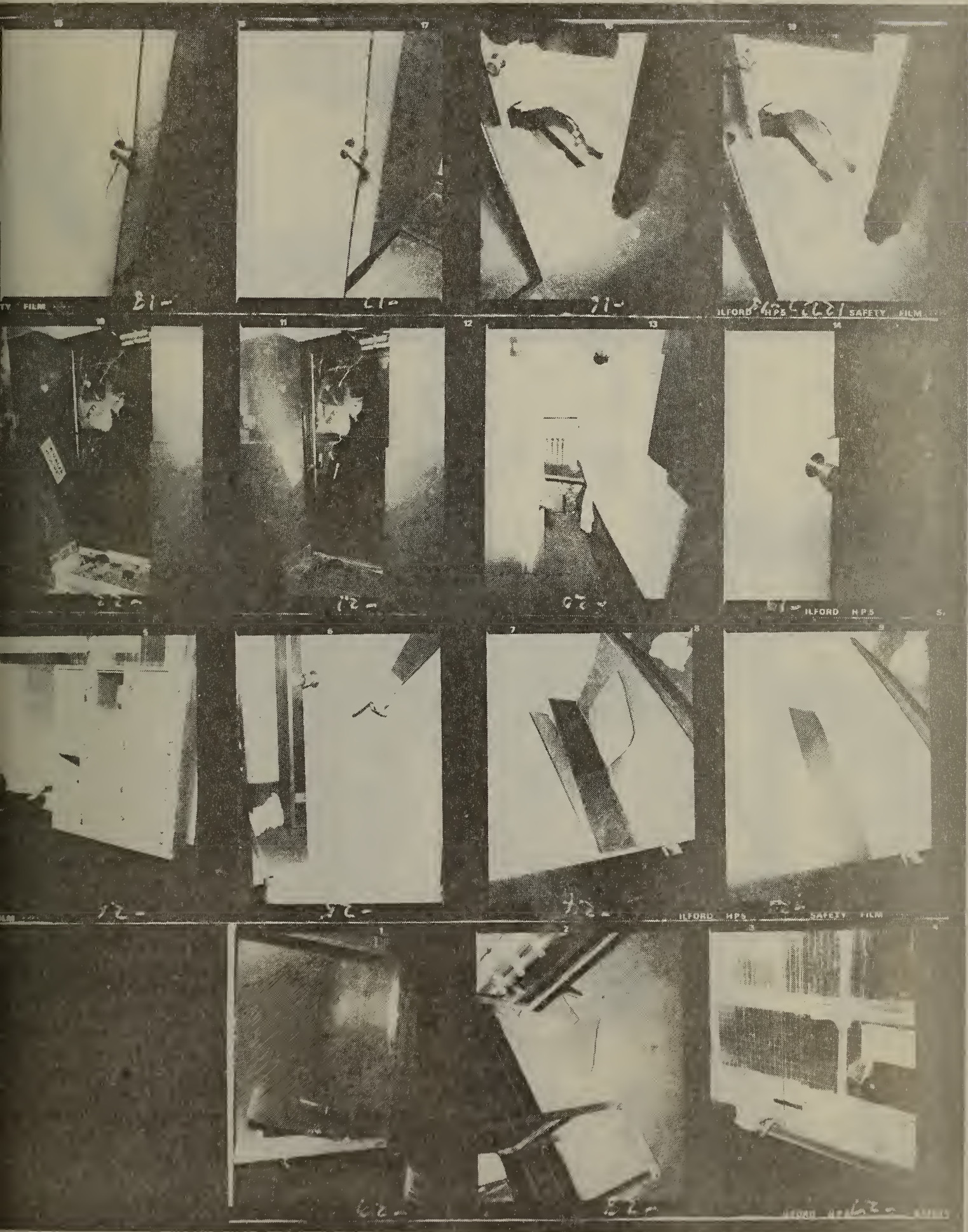










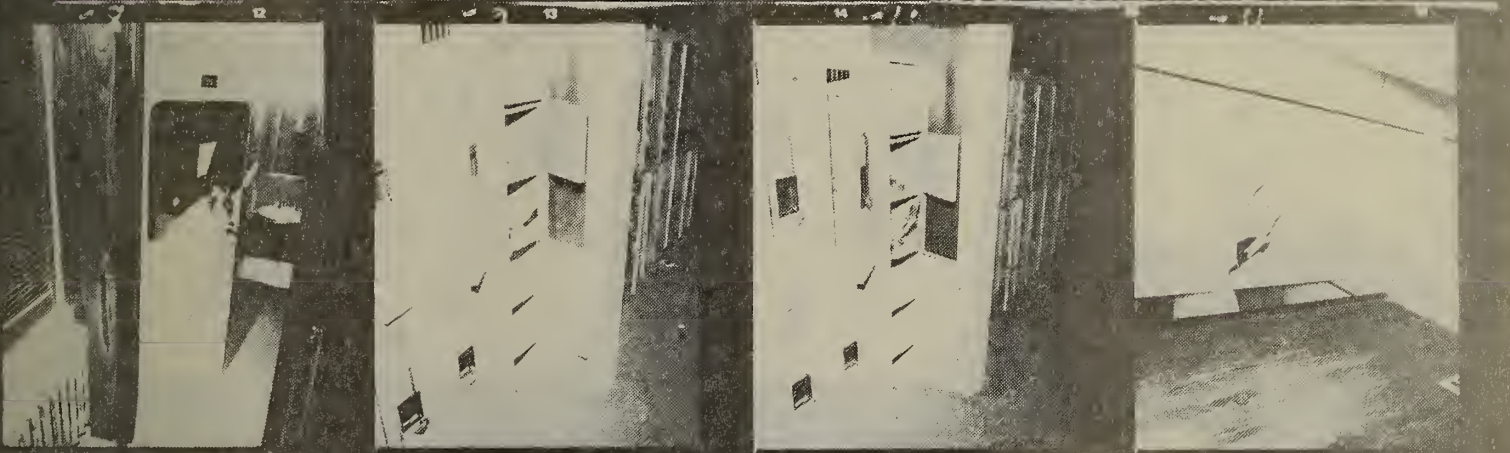




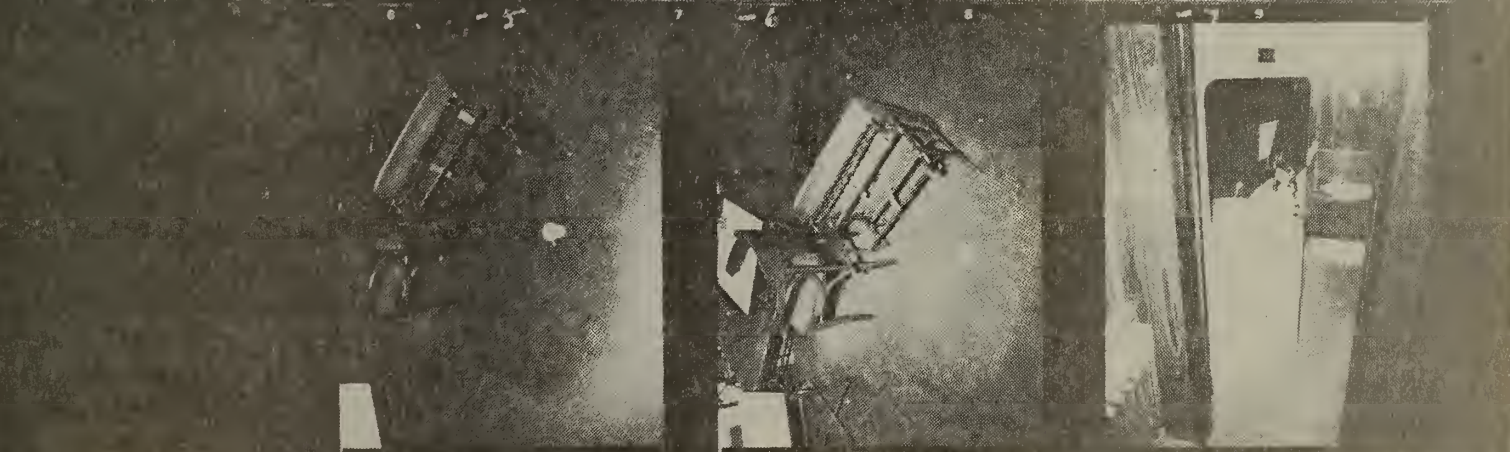




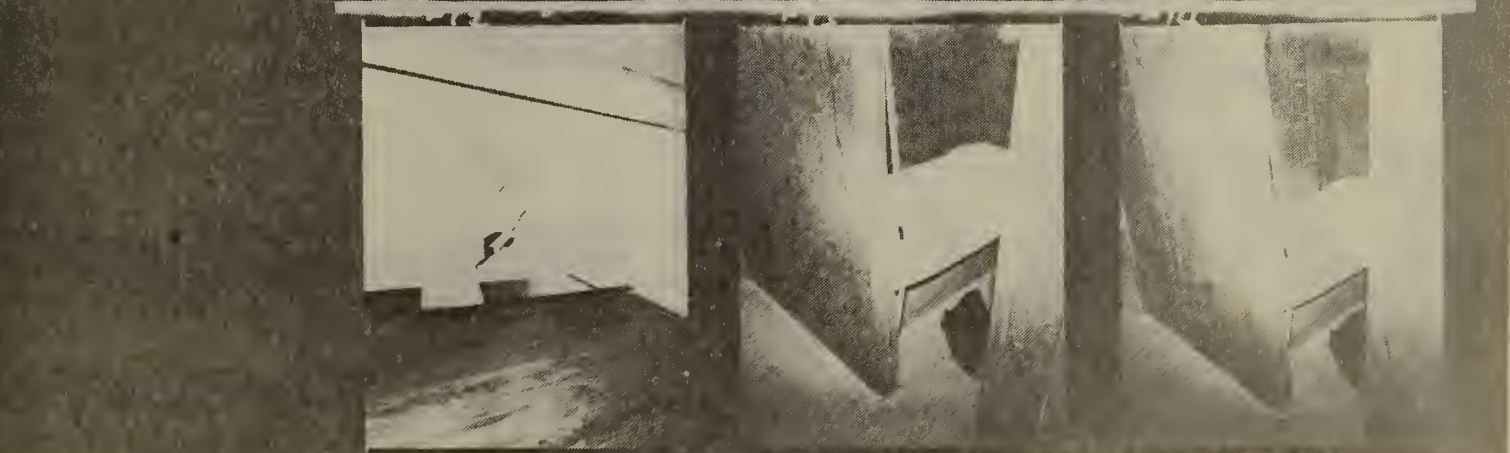
ILFORD HPS SAFETY FILM



ILFORD HPS SAFETY FILM



ILFORD HPS SAFETY FILM



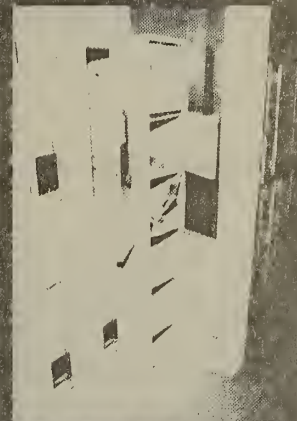
ILFORD HPS SAFETY FILM



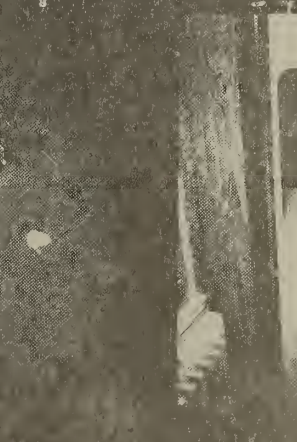




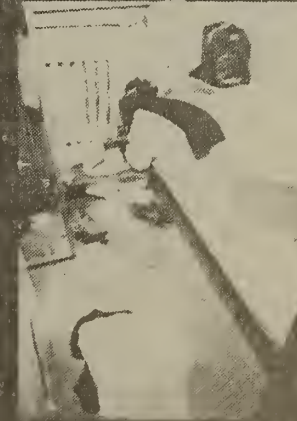
ILFORD HPS SAFETY FILM



ILFORD HPS SAFETY FILM



ILFORD HPS SAFETY FILM



ILFORD HPS SAFETY FILM





Appendix C

POLICE IDENTIFICATION PHOTOS

Notes: First page are photos taken by Toronto Sun.

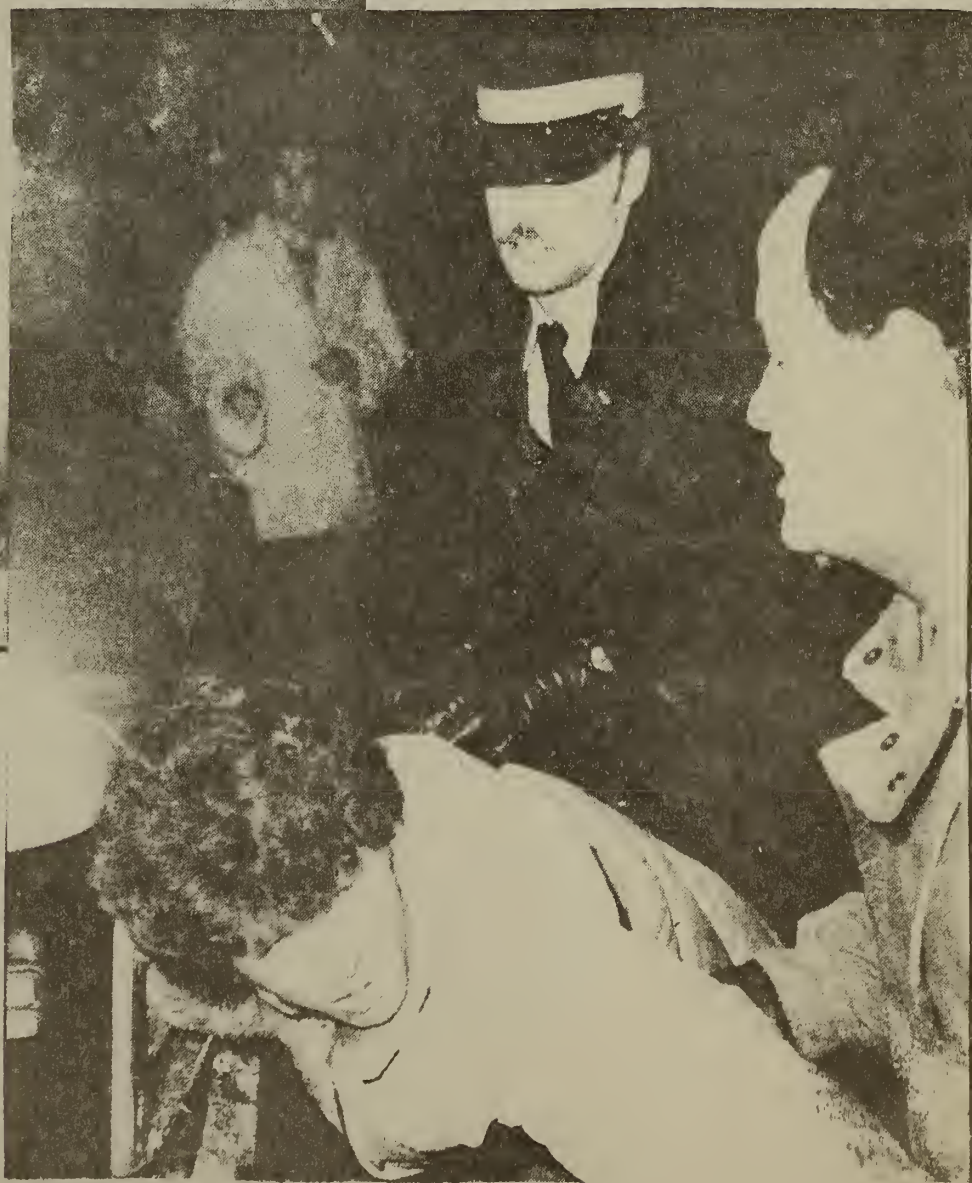
Subsequent pages (only available to members of Council) are black and white prints taken from colour prints by Jim Hebbes of the Toronto Clarion. The original colour prints which are somewhat clearer will be circulated to members of Council.

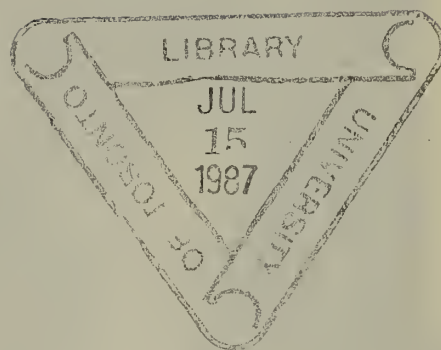
All photos were taken during the February 6, 1981 demonstration.

8402 R













[illegible]

CARR McLEAN, TORONTO FC

HQ  
76

.3

C2R46

1981

**RESERVE**

Report on police raids on  
gay steambaths

DATE	ISSUED TO

ET

RY

HQ  
76  
.3  
C2R46  
1981  
C.1  
CRIM



